SUPREME COURT OF THE UNITED STATES.

No. 52. 292.

JOHN F. STEIN, PLAINTIFF IN ERROR,

VERSUS

WM. BOWMAN, AND AL.

ERROR TO THE DISTRICT COURT, U. S. FOR EAST LOUISIANA.

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293.

UNITED STATES DISTRICT COURT,
Eastern District of Louisiana:

JOHANNA F. STEIN
vs.
WILLIAM BOWMAN, Curator, &c. } No. 3788.

Be it remembered, that on the twenty-eighth day of April, one thousand eight hundred and thirty-six, the plaintiff in this case, by T. R. Chinn, Esq. his attorney, filed the following petition, to wit:

To the honorable Samuel H. Harper, judge of the district court of the United States for the Eastern District of Louisiana, showeth:

The petition of Johanna Frederick Stein, an alien, and a subject of the King of Hanover, that your petitioner, is the sole and lawful heir of Nicholas Stein, sometimes called and known by the name of Nicholas Stone, by which name he was called and known at the time of his decease, which took place in the parish of St. Tammany, in the State of Louisiana, on the day of .

Your petitioner is the brother of the said Nicholas, who, at the time of his death, left neither father or mother, or the descendants of either, living at the time of his death save your petitioner, who is his only heir, and who has accepted the succession.

The said Nicholas departed this life without having made any last will and testament, and William Bowman, a citizen of the State of Louisiana, and residing in the district aforesaid, in October, 1833, was appointed, by the proper tribunal, curator of the estate of said Nicholas, consisting of lands, goods, and chattels, choses in action, and money, in all of the value of forty thousand dollars, which, of right, belongs to your petitioner, and which was received by said Bowman, by virtue of his appointment as curator. That the term of the curatorship has long since expired, and said Bowman has not rendered any account of his administration, or paid any money to your petitioner, or delivered to him any property of the succession, though requested to do so. He therefore prays that said Bowman be cited and decreed to account to your petitioner for said estate and effects received by him; to deliver to your petitioner the property of the succession, which has not been sold, and to pay to him the sum of forty thousand dollars. That he may be admitted and recognised as sole heir of the deceased, and such other relief as the nature of the case requires.

(Signed) CHINN,
For Petitioner.

Filed 28th April, 1836.
(Signed,) T. W. COLLINS,
Deputy Clerk.

And afterwards, on the 28th day of April, 1836, the following citation was issued, to wit:

The President of the United States of America to the marshal of the eastern district of Louisiana, or his lawful deputy, *greeting:*

You are hereby commanded to summon William Bowman, so that he be and appear at the district court of the United States for the eastern district of Louisiana, to be holden in the city of New Orleans, on the third Monday of May next, to answer to the complaint of Johanna F. Stein, and that he do file his defence, or answer, with the clerk of said court, on or before the same, or judgment will be given against him by default. And have you then and there this writ.

Witness the honorable Samuel H. Harper, judge of the said court, at the city of New Orleans, this twenty-eighth day of April, eighteen hundred and thirty-six, and sixtieth year of the independence of the United States.

(Signed) T. W. COLLINS.
Deputy Clerk.

MARSHAL'S RETURN.

Rec. April 25, 1836, and on 5th day of May, 1836, served copy of petition and citation on defendant, by handing the same to one of the members of his family, of the age and description required by law, at his place of residence in the city of New Orleans, and cited said defendant in all things as within commanded.

Ret. May 14, 1836.

(Signed) J. S. HOLLAND, *Marshal.*

And afterwards, on the 16th day of May, the following entry was made of record, to wit:

MONDAY, 16*th May*, 1836.

Present: the honorable Samuel H. Harper.

JOHANNES F. STEIN
vs.
WM. BOWMAN.

On motion of T. W. Chinn, Esq. attorney for plaintiff, it is ordered, that a commission issue in this case, to take testimony addressed to John Cuthbert the American Consul, at Hamburg, Germany, to examine Nolte Pastor Premanians, at Bordowick, Hanover.

And afterwards, on the 19th day of May, 1836, the defendant, by L's Janin, his attorney, filed the following answer and petition in reconvention, to wit:

To the honorable Samuel H. Harper, judge of the district court of the United States for the eastern district of Louisiana:

The answer of William Bowman, curator of the estate of the late Nicholas Stone, to the petition of Johann Frederick Stein, respectfully showeth:

That your respondent denies, all and singular the allegations contained in the plaintiff's petition, and more particularly that he is the heir of, and related to, the late Nicholas Stone, and puts him upon strict proof thereof.

Your respondent further avers, that the claim of the said Johann Frederick Stein is unfounded and fraudulent, and intended only to vex and harass your respondent, and the true heirs of the late Nicholas Stone; wherefore your respondent pray that the suit of the said Johann Frederick Stone be dismissed, and that there may be judgment against him and in favor of the estate of the said Nicholas Stone, for two thousand dollars damages, with costs of suit; and all such other and further relief as the nature of this case may require.

(Signed) L'S JANIN,
Att'y for Respondent.

Filed May 19th, 1836.
(Signed) DEMEAN N. KENNEN, *Clerk.*

And afterwards, on the 19th day of May, 1836, the following entry was made of record, to wit:

THURSDAY, *May* 19*th*. 1836.

Present: the honorable Samuel H. Harper.

J. F. STEIN
vs.
WM. BOWMAN.

On motion of C. M. Conrad, Esq. ordered that he have leave to file an answer in this suit, in behalf of the defendant.

And afterwards, on the 12th of December, 1837, Andreas Stein, by C. Roselius, Esq. his attorney, filed the following petition of intervention, to wit:

To the honorable Samuel H. Harper, judge of the United States district court, in and for the eastern district of Louisiana:

The petition of Andreas Stein, residing in the Kingdom of Hanover, in Germany, and represented here by Charles Maurian, his attorney in fact, residing in this city, respectfully represents, that he has lately been informed that a suit has been instituted, in this honorable court, in the name of John Frederick Stein, against William Bowman, curator of the succession of Nicholas Stone, alias Stein, who died some time ago in the parish of St. Tammany, in this State, on the allega-

tion that he is the nearest of kin, and sole heir of the deceased; now your petitioner would respectfully aver and allege, that the allegations and pretentions in said petition contained, are entirely unfounded and untrue; that your petitioner is the only true heir of the deceased, being his only nephew, and nearest of kin; that as early as April, 1834, he presented his petition to the court of probates of the parish of St. Tammany, in which the succession of the deceased was open, claiming said succession, praying to be recognised as sole heir of the deceased; that your petitioner's right to said succession would have been recognised long ago, if it had not aeen for the unfounded and officious interference of the person who acts in the name of the present plaintiff, who presented himself before the court of probates of the parish of St. Tammany, and claimed said succession contradictorily with your petitioner, and whose pretensions were rejected by a judgment of said court, subsequently affirmed, on appeal, by the supreme court of the State of Louisiana; that your petitioner is in possession of the legal evidence of his heirship and right to said succession, taken contradictorily with William Bowman, curator of said succession, which evidence is on file in the court of probates of the parish of St. Tammany. Your petitioner further shows that he has been credibly informed, and verily believes, that John Frederick Stein, in whose name this suit is instituted in this honorable court, is not the real plaintiff, and has no interest in the suit; that said John Frederick Stein has ceded and transferred all his pretended right, title, and interest in said succession, to a certain ——— Rist, who pretends to act as the agent of the plaintiff, but is, in truth and reality, the plaintiff in the action; and said Rist is a citizen of Louisiana, and therefore cannot maintain his suit in this honorable court. Your petitioner further represents, that the only court that can legally take cognizance of the plaintiff's claim is the court of probates of the parish of St. Tammany, by whom the defendant was appointed, and to whom alone he is accountable, and in which the suit of your petitioner for said succession was pending long before the institution of the present action, and is yet pending; upon these two grounds, therefore, your petitioner suggest to the court that it has no jurisdition of this case. Your petitioner, therefore, respectfully prays to be permitted to intervene and interplead in said suit, and that his above plea to the jurisdiction of this court may be received, and that in case the court should overrule the said plea to the jurisidiction, that he be permitted to establish his right to said succession, in opposition to said plaintiff and defendant, and that, after due proceedings had, the succession of Nicholas Stone, alias Stein, deceased, be decreed to belong to your petitioner and interpleader; and he prays that a copy of this petition of intervention be served on the defendant, Bowman, curator of the plaintiff in this suit; and your petitioner prays for all such other and further aid, relief, and remedy, as the nature of his case may require, and the law will permit.

And, as in duty bound, &c. &c.

(Signed) C. ROSELIUS, *Attorney.*

Charles Maurian, attorney in fact of the plaintiff, being duly sworn, deposes and says, that all the material allegations in said petition contained, are correct and true.

(Signed) CHARLES MAURIAN.

Sworn to and subscribed before me. New Orleans, December 12th, 1836.

(Signed) GALLIEN PREVAL, *Judge.*

Filed 12th December, 1836.

(Signed) T. W. COLLINS, *Dep. Clerk.*

MARSHAL'S RETURN OF THE COPY OF THE ABOVE.

Served copy of the within document personally on Janin, Esq. December 15, 1836, (signed) J. H. Holland, marshal, and copy of the same on Chinn, Esq. by leaving the same with a free person in his office, in Custom House street, in the city of New Orleans, December 15, 1836.

(Signed) J. H. HOLLAND,
Marshal.

And afterwards, Johann Steen, and others, by their attorney, C. M. Conrad, Esq. filed the following petition of intervention, on the 13th of December, 1836, to wit:

To the honorable Samuel H. Harper, judge of the district court of the United States, for the eastern district of Louisiana.

The petition of intervention of Johann Steen, of Anna Sophia Steen, wife of Mathias Ahrens, and by him duly authorized of Luer Steen, a minor, above the age of puberty, and herein assisted by Haunch Krooffs, his curator or trustee, and by Fabrien Mangels and Johann Steen, his guardians, all residing in the kingdom of Hanover, and being aliens and subjects of the king of Hanover, respectfully showeth: That your petitioners have been informed that a suit has been instituted in this honorable court, on the 28th of April last, in the name of one John Frederick Stein against William Bowman, the curator of the estate of one Nicholas Stone, who died in the parish of St. Tammany, in the State of Louisiana, in the year 1833, ab. intestate, and without leaving ascendants or descendants; in which suit the said John Frederick Steen claimed to be recognised as the heir of the said Nicholas Stone, and to be put in possession of his estate.

Your petitioners aver that they are the true and only heirs of the said Nicholas Stone, and have instituted a suit against the said William Bowman, in this honorable court on the 23d of June, 1835, for the purpose of being recognised as such, which suit is still pending; and they pray that their petition, filed in the said suit, be considered

as part of this petition: Your petitioners aver that the claim set up as aforesaid, by the said John Frederick Stein, is fraudulent and unfounded, the said Stein not being related to the said Nicholas Stone; that your petitioners, as the true heirs, are greatly interested in defeating the pretensions of the said John Frederick Stein; that the said Wm. Bowman is a mere stake-holder, and moreover unauthorized to defend this suit, his office as curator having expired, even before the institution of the suit of the said John Frederick Stein; and that, therefore, this honorable court cannot entertain jurisdiction against him in the said capacity: Wherefore, your petitioners pray leave to intervene in this suit; that a copy of this petition be served on Richard Chinn, Esq. the counsel, who has signed the petition presented, in the name of the said John Frederick Stein, who does not appear to have any other representative in this State, and that his claim be declared fraudulent and unfounded, and his suit dismissed with costs; and all such other and further relief as the nature of this case may require.

(Signed) F. B. CONRAD,
For C. M. CONRAD,
Attorney for Petitioners.

Filed 13th December, 1836.
(Signed) T. W. COLLINS,
Dep. Clerk.

MARSHAL'S RETURN.

Served copy of the within document, on R. Chinn, Esq. Dec. 15, by leaving the same at his office, in the city of New Orleans, in Custom House street, with a free person of lawful age.
December 15th, 1836.
(Signed) J. H. HOLLAND,
Marshal.

And afterwards, on the 13th of December, 1836, the defendant in this suit, by Ls. Janin, Esq. his attorney, filed the following supplemental answer, to wit:

To the honorable Samuel H. Harper, judge of the district court of the United States for the eastern district of Louisiana.

The supplemental answer of Wm. Boman, curator of the estate of the late Nicholas Stone, to the petition of John Frederick Stone, respectfully showeth: That in addition to the plaintiff in this suit, other persons by the name of John Steen, Rima Sophia Steen, and Luer Steen, have instituted a suit against this respondent, in this honorable court, on June 23d, 1835, in which they claim to be recognised as the heirs of the late Nicholas Stone, and demand the delivery of his estate: that moreover, one Andreas Stein has insti-

tuted a suit against your petitioner for the same object, in the honorable court of probates of the parish of St. Tammany, both which suits are still pending; that it thus appears that individuals belonging to three different families, pretend to be the nearest relations of the late Nicholas Stone, and to be entitled to the estate; that your respondent is only a stake-holder in the premises, and the real heirs, whoever they are, are principally interested in contesting the conflicting claims that set up, and that both, for their protection and for the security of your respondent, the aforesaid individuals should be called in to take cognisance of this suit, and defend your respondant against it.

Wherefore, your respondent prays that the said Andreas Stein, represented in this State by Charles Maurian, his attorney in fact, and John Steen, Anna Sophia Steen, wife of Mathias Ahreas, and Luer Steen, a minor, assisted by Henry Kroop, his curator, and John Steen and Fabrien Mangels, his tutors, and all the last mentioned individuals being represented in this State, by John A. Merle, be cited and called in warranty, to defend your respondent in this suit with costs, &c.

(Signed) LS. JANNIN,
Attorney for Respondent.

Filed 13th December, 1836.
(Signed) T. W. COLLINS,
Dep. Clerk.

MARSHAL'S RETURN.

Served copy of the within document on R. Chinn, personally; on C. Roselius, by leaving the same at his office with Mr. Grivot, in Custom House street, city of New Orleans, and on C. M. Conrad, by handing the same to T. B. Conrad, Esq.
(Signed) J. H. HOLLAND, *Marshal.*

And afterwards, on the 23d of December, 1836, John F. Stein, by his attorneys, filed the following answer to the petition of intervention of Andreas Stein, to wit:

The answer of John Frederick Stein to a petition of intervention filed by one Andreas Stein, in a suit between the said John Frederick Stein and one William Bowman, now pending in the district court of the United States for the eastern district of Louisiana.

The respondent denies, all and sundry, the allegations contained in said petition of intervention, and hold said intervening parties to strict proofs.

(Signed) CHINN & ROBINSON,
Plaintiff's Attorneys.

Filed 23d December, 1836.
(Signed) T. W. COLLINS,
Deputy Clerk.

And afterwards, on the same day, John F. Stein, by his attorneys, filed the following answer to the petition of intervention of John Stein, and others, to wit:

The answer of John Frederick Stein to the petition of intervention filed by John Stein, Anna Sophia Stein, Luer Stein, in suit between the said John Frederick Stein and one William Bowman, now pending in the district court of the United States for the eastern district of Louisiana.

The said respondent denies, all and sundry, the allegations contained in said petition of intervention, and holds the interveners to strict proofs.

(Signed) CHINN & ROBINSON,
Attorneys for J. F. Stein.

Filed 23d December, 1836.
(Signed) T. W. COLLINS,
Deputy Clerk.

And afterwards, on the 16th day of December, 1836, the following entries were made of record, to wit:

FRIDAY, 16*th December*, 1836.

Present: the honorable Samuel H. Harper.

JOHN F. STEIN
vs.
WM. BOWMAN. } No. 3788.

On motion of R. Chinn, Esq. the return of the commission, in this case, directed to J. Cuthbert, the American Consul, at Hamburg, enclosing the testimony of Nolte Pastor Premarius was opened and filed in open court.

JOHN F. STEIN
vs.
WM. BOWMAN. } No. 3788.

On motion of R. Chinn, Esquire, the return of the commission, in this case, directed John B. Jones, mayor of the town of Woodville, enclosing the testimony of H. Munget, was opened and filed in open court.

And afterwards, on the 27th day of December, 1836, the following entry was made of record, to wit:

TUESDAY, 27*th December*, 1836.

Present: the honorable Samuel H. Harper.

JOHN F. STEIN
vs.
WM. BOWMAN. } No. 3788

This cause came on to-day for trial, when the plaintiff having opened the case, and it appearing that the petition of intervention of Andreas Stein contained a suggestion of the want of jurisdiction of the court *of the court* in this case, it was ordered by the court that the cause be continued until next term, in order to enable the said Andreas Stein to obtain evidence in support of said plea, it being admitted by the parties, and ordered to be made of record, that Rist, mentioned in the petition of intervention of said Andreas Stein, is a citizen of Louisiana; and it being farther agreed that copy of the original documents now on file in the supreme court of this State, in the cause of Stein vs. Bowman, may be used in the trial of this cause by either party, said copies to have the same effect as the originals, and be subject to the same exceptions.

And afterwards, on the 20th day of February, 1837, the defendant, by L's Janin, Esquire, his attorney, filed the following supplemental answer, to wit:

To the honorable Samuel H. Harper, judge of the district court of the United States, for the eastern district of Louisiana.

The supplemental answer of William Bowman, curator of the estate of Nicholas Stone, respectfully shows, that your respondent prays for a trial by jury.

(Signed) LS. JANIN,
Attorney for Respondent.

Filed 20th February, 1837.
(Signed) T. W. COLLENS,
Deputy Clerk.

And afterwards, on the 21st day of February, 1837, the following entry was made of record, to wit:

TUESDAY, 21*st February*, 1837.

Present: the honorable Samuel H. Harper.

J. F. STEIN
vs.
WM. BOWMAN. } No. 3788.

On motion of L. Janin, Esq. and on filing the prayer of the defendant for a jury, ordered that this cause be transferred from the court to the jury docket.

And afterwards, on the 2d day of March, 1837, the following entries were made of record, to wit:

THURSDAY, 2*d March*, 1837.

Present: the honorable Samuel H. Harper.

J. F. STEIN
vs.
WM. BOWMAN, } No. 3788.

On motion of John R. Grimes, Esquire, on behalf of C. Roselius, Esquire, of counsel for Andreas Stein, the intervention of said Andreas Stein, in this case, was discontinued.

J. F. STEIN
vs.
WM. BOWMAN. } No. 3788.

On this day came the parties, plaintiff, defendant, and intervening by their attorneys, and thereupon came a jury, who were sworn well and truly to try the issue joined between said parties, as well the parties of intervention as the original ones, and a true verdict give to, according to the evidence, to wit: J. Durel, C. Cavaron, L. Pilie, E. D. Hyde, O. W. Scates, J. R. Purdon, G. W. Prichard, J. F. Gomez, J. M. Cuculler, C. C. Williams, J. B. Dejean, and H. Beach, when, after some progress had been made in the cause, the same was continued for further hearing until to-morrow at 10 o'clock, A. M.

And afterwards, on the 3d day of March, 1837, the following entry was made of record, to wit:

FRIDAY, 3*d March*, 1837.

Present: the honorable Samuel H. Harper.

J. F. STEIN
vs.
WM. BOWMAN. } No. 3788.

On this day came the parties, by their attorneys, and thereupon came the jury, heretofore sworn this case, when, after further progress in the cause, it was continued for further hearing until to-morrow at 10 o'clock, A. M.

And afterwards, on the 4th day of March, 1837, the following entry was made of record. to wit:

SATURDAY, 4*th March*, 1837.

Present: the honorable Samuel H. Harper.

J. F. STEIN
vs.
WM. BOWMAN. } No. 3788.

On this day came the parties, by their attorneys, and thereupon came the jury, heretofore sworn in this case; when the case was resumed, and after hearing the evidence and argument of counsel, the jury retired, and shortly retuned with the following verdict, which was ordered to be recorded in the following words and figures, to wit:

"Verdict for the defendant, 4th March, 1837."

(Signed) "L. PILEE,
Foreman."

Whereupon, the same was ordered to be recorded, and that a judgement be entered up in favor of defendant, and against the plaintiff, John F. Stein, and that he be condemned to pay the costs of this suit.

And on the 3d day of March, the following affidavits were filed, to wit:

STEIN
BOWMAN.

The affidavit of John Rist, who deposeth and saith: that he is the agent of the plaintiff in this suit; that he has made diligent inquiry for Francis Stuffel, whose deposition was taken in this case, in the parish court, between the present plaintiff and Bowman, defendant; that he has been unable to find said Stuffle, and has been informed, and verily believes, that he is dead; this information has been derived from those who knew him.

He also states, that Nicholas Mouzat, whose testimony was taken in the same cause, left Louisiana before the commencement of this suit, and ascended the Mississippi with the intention of going to the State of Ohio; since then, he has not heard from him, although he has made inquiries about him.

(Signed) JOHN RIST.

Sworn to and Subscribed, before me, this 3d March, 1837.

(Signed) T. W COLLINS,
Dep: Clerk.

Filed 3d March, 1837:

(Signed) T. W. COLLENS,
Dep. Clerk.

J. F. STEIN
vs.
WM. BOWMAN. }

Wm. Bowman, being duly sworn, deposes, that he has been informed, only since yesterday, that it can be proved by the honorable

E. Johnson, the honorable Thornton Lawson, and Paris Childress, Esq. and probably by other persons, and verily believes that John Rist, who styles himself the attorney in fact of the plaintiff, and who has instituted the present proceedings, has bought all the rights and pretentions of the plaintiff to the estate of the late Nicholas Stone; deponent further says that the Rist is a citizen of the State of Louisiana, and resides in this district.

(Signed) WILLIAM BOWMAN.

Sworn to and subscribed before me, New Orleans, March 3, 1837.

(Signed) T. W. COLLENS,
Dep. Clerk.

Filed 3d, March, 1837.

(Signed) T. W. COLLENS,
Dep. Clerk.

And afterwards, on the same day, the following bills of exceptions were filed, to wit:

STEIN
vs.
BOWMAN.

Be it remembered, on the trial of this cause, after the jury were sworn, the defendant offered the following affidavit, to be read to the court—[*Here copy Bowman's affidavit*]—and thereupon the defendant offered to prove by witnesses, that John Rist, a citizen of Louisiana, had stated that he is the owner of the claim in controversy in this suit, to the admissibility of which, the plaintiff objected, but the cout overruled the objection, and suffered the evidence to be given, to which opinion of the court, the plaintiff excepted, and prays his exceptions to be signed, sealed and enrolled; which is is done.

The court did not decide upon the effect of the evidence offered, but held the point under advisement; and the cause proceeded.

(Signed) SAMUEL H. HARPER. [SEAL.]

Filed 3d March, 1837.

(Signed) T. W. CLLLENS,
Dep. Clerk.

STEIN
vs.
BOWMAN.

Be it remembered on the trial of this cause, the plaintiff offered in evidence the following—[*Here copy German documents*]—for the

purpose of using only that part of them containing the testimony or affidavits which are contained therein, of relating to the pedegree of the plaintiff, and his relation to the deceased, Nicholas Stein, but the court refused to suffer the same, or any part thereof, to be read; to which opinion of the court the plaintiff excepts, and prays his exception to be signed, sealed, and enrolled; which is done.

The above documents were rejected, because, in the opinion of the court, they were not properly authenticated.

(Signed) SAMUEL H. HARPER. [SEAL.]

Filed 3d March, 1837.

(Signed) T. W. COLLENS.
Dep. Clerk.

STEIN
vs.
BOWMAN.

Be it remembered, that, at the trial of this case, the plaintiff offered in evidence a petition de bene esse, annexed to this bill of evidence, purporting to have been taken before John B. Jones, mayor of the town of Woodville, on the 21st of June, 1836, to the admission of which, the defendant and intervenors objected, on the ground:

1st. That the said John B. Jones styles himself the chief magistrate of the *town* of Woodville; and a chief magistrate of a town is not authorized to take such depositions.

2d. That it does not appear by their certificate, that the witness examined lives, or did live, within one hundred miles of the place where this court holds its sessions, or where he resides.

3d. That no efforts have been made by the plaintiff to procure the attendance of the witness in court, or reasons shown why he could not attend.

4th. That the said deposition tend to prove the filiation and heirship of the plaintiff; and that parol testimony of that fact is not admissible, under the circumstances of this case; that the defendant offered to prove that, in Hanover, of which country the plaintiff states himself to be a native, registers of births and baptisms are kept with great regularity, and are considered as the best evidence of descent; and also, that the plantiff had alleged in his petition, in a suit heretofore instituted by him in the State courts, against the present defendant, and for the same cause of action, the record of which suit is annexed to, and made a part of this bill of exceptions; that he had written proofs of his filiation, which was annexed to his petition, and which he deemed entirely sufficient; and that afterwards he offered the said written prooof in evidence at the trial of the said case; and that, herein it follows, that there is better, and written proof of the plaintiff's descent in existence, is attainable to the plaintiff, and that oral proof of the same fact cannot be resorted to in the present instance.

That the court refused to allow the defendant to make the offered proof, due after having overruled all the above mentioned objections, admitted the said depositions de bene esse in evidence.

(Signed) SAMUEL H. HARPER.

Filed 3d March, 1837.

(Signed) T. W. COLLENS,
Dep. Clerk.

And afterwards, on the 4th day of March, 1837, the following bills of exceptions were filed, to wit:

J. F. STEIN
vs.
WM. BOWMAN.

Be it remembered, that, at the trial of this case the plaintiff offered in evidence the depositions of Francis Stupfel, (now deceased) taken under commission issued in the suit heretofore pending between the same parties, in the parish court, of the parish of St. Tammany, and the supreme court of the State of Louisiana, the record of which suit is annexed to a bill of exceptions, taken by the defendant in this case, to the admission of which depositions the defendant objected, because—

1st. Because the said deposition was not admitted and received, but rejected in the former suit between the present parties.

2d. Because the commission, under which it was taken, was not duly executed, as appears from the bill of exception, filed in the said case, and the grounds therein stated by the probate court for its rejection.

3d. Because the said deposition being parol testimony to prove filiation, is not admissible, under the circumstances of this case, which circumstances are more fully explained in the bill of exceptions, taken by the defendant in this case, to the admission of a deposition de bene esse.

But the court overruled the above objections, and admitted the said deposition, to which opinion the defendant begs leave to except.

(Signed) SAMUEL H. HARPER.

Filed 4th March, 1837.

(Signed) T. W. COLLENS,
Dep. Clerk.

J. F. STEIN
vs.
WM. BOWMAN.

Be it remembered, that at the trial of this case, the defendant submittted to the court his affidavit, annexed to his bill of exceptions, showing that since the commencement of this trial he had discovered

witnesses who could prove that John Rist, who styles himself the attorney in fact of the plaintiff in this case, is the real party in interest, and has purchased the rights and pretentions of the said plaintiff, to the estate of the late Nicholas Stone, and thereupon, moved the court to permit him to examine said witness and to dismiss this suit for want of jurisdiction, if the testimony should establish, to the satisfaction of the court, that the said John Rist is the real party in interest, as it is admitted, that the said John Rist is a citizen of the State of Louisiana, and an inhabitant of this district.

Be it further remembered, that the plaintiff's counsel objected to the examination of the said witnesses, on the ground that the said motion to dismiss the case came too late, which point was held under advisement by the court, that thereupon the said witnesses were examined, and proved that the said John Rist had repeatedly and publicly declared, that he had gone to Germany for the purpose of discovering the heirs of the late Nicholas Stone, and that when he was in Germany he had bought the rights of the plaintiff in this case.

And the court being of opinion that though it would have sustained the said plea to the jurisdiction upon the facts proved, if it had been made sooner, still the said plea coming too late, it must be dismissed. The defendant begs leave to except to the said opinion, and tenders this bill of exceptions.

(Signed) SAML. H. HARPER.

Filed 4th March, 1837.

(Signed) T. W. COLLENS,
Dep. Clerk.

And afterwards, on the 11th day of March, 1837, the plaintiff, by Chinn, Esq. his attorney, filed the following petition for writ of error, to wit:

To the Honourable S. H. Harper, judge of the court of the United States for the eastern district of Louisiana:

Your petitioner, the plaintiff in the foregoing case, states, that he is advised that error has intervened to his prejudice in the trial and decision of the cause, and he prays your honor to award him an appeal to the Supreme Court of the United States.

(Signed) CHINN, &c.
for Plaintiff.

ORDER.

Be it so, on the appellant entering into bond in the sum of five hundred dollars, with John Rist as security, conditioned according to law.

(Signed) SAML. H. HARPER,
Judge U. S.

Filed 11th March, 1837.

(Signed) T. W. COLLENS,
Dep. Clerk.

And on the same day, the following bills of exceptions were filed, to wit:

STEIN
vs.
BOWMAN.

Be it remembered, on the trial of this cause, the defendant, Bowman, offered himself as a witness to give testimony to the jury; he was objected to by the plaintiff; but the court overruled the objection and suffered the defendant to be examined as a witness before the jury. To which opinion of the court the plaintiff excepted, and prays that his exceptions may be signed, sealed, and enrolled; which is done.

(Signed) SAML. H. HARPER. [SEAL.]

Filed 11th March, 1837.

(Signed) T. W. COLLENS,
Dep. Clerk.

STEIN
vs.
BOWMAN.

Be it remembered, on the trial of this cause, the plaintiffs introduced Shultz as a witness, for the purpose of proving by the witness, that he had been in Hanover, in Germany, last summer, and there heard from many old persons of whom he inquired, that the plaintiff was the brother of Nicholas Stone, the decedent; but the court refused to permit the same to be given as evidence to the jury, to which the plaintiff excepted, and prayed his exception to be signed, sealed, and enrolled, which is done. The witness stated that he had gone to Germany for the purpose of taking a deposition in this cause, and the court thought the testimony of the persons themselves should have been taken.

(Signed) SAML. H. HARPER. [SEAL.]

Filed 11th March, 1837.

(Signed) T. W. COLLENS,
Dep. Clerk.

STEIN
vs.
BOWMAN.

Be it remembered, on the trial of this cause, the defendant introduced Mrs. who had been the wife of Francis Stuffle, dec'd, whose depositions had been had in the cause for the purpose of proving that her deceased husband had been bribed by John Rist to give his evidence in this case, and also to prove that her said husband had

frequently told her that he knew nothing of plaintiff in this cause, or of Nicholas Stone, deceased; to the admissibility of which witness the plaintiff objected, but the court permitted her to give said evidence, to which the plaintiff excepted, and prays his exceptions to be signed, sealed, and enrolled.

(Signed) SAML. H. HARPER. [SEAL.]

Filed 11th March, 1837.

(Signed) T. W. COLLENS,
Dep. Clerk.

STEIN
vs.
BOWMAN.

Be it remembered, on the trial of this cause, the plaintiff offered in evidence the following deposition—[*Here copy the deposition of Monzat*]—which had been taken in the case of the parties in the parish court, and to authorize the reading thereof, read the record in said case in the parish court, which is a part of the record in this case, and also read the following affidavit. [*Here copy John Rist's affidavit.*] But the court refused to suffer said deposition of Monzat to be read as evidence in this cause, the court not being satisfied of his absence, from the evidence introduced, to which opinion of the court in rejecting it, the plaintiff excepted, and prays that his exception may be signed, sealed, and enrolled; which is done.

(Signed) SAML. H. HARPER. [SEAL]

Filed 11th March, 1837.

(Signed) T. W. COLLENS,
Dep. Clerk.

STEIN
vs.
BOWMAN. } In the U. S. district court.

Be it remembered, that on the trial of this cause, the defendant offered a witness to prove that John Rist, who appears on the record of this suit as the agent of the plaintiff, but who, as proved by the oath of two witnesses, said he was the assignee of all the rights and interest which the plaintiff may have to the succession of Nicholas Stone, had bribed, and attempted to bribe, witnesses, to which the plaintiff objected on the ground of irrelevancy, and that it was a subject for a criminal prosecution; the court sustained said objections and refused to admit the testimony, to which opinion of the court the counsel of the defendant objected, and tendered this their bill of exceptions, which the judge signed.

(Signed) SAML. H. HARPER. [SEAL.[

NEW ORLEANS, *March* 4, 1837.

Filed 11th March, 1837.

(Signed) T. W. COLLENS,
Dep. Clerk.

STEIN
vs.
BOWMAN.

Be it remembered, on the trial of this cause, the plaintiff read as evidence to the jury, the following:—[*Here copy the deposition of ————Francis Scthoffle, and the depositions taken under the commission in Germany, and the inventory returned in the parish court.*] The defendant introduced Daniel P. Ruff as a witness, who deposed that he had known Nicholas Stone, deceased, for many years, and understood from him, that for more than thirty years before his death he had left Germany, and that his mother, a sister, and some brothers, were living when he left; their names, or either of them, not known to the witness.

The defendant who read the deposition of Stephen Blackwell, as follows—[*here copy it*]—also, ———— who swore she had been the wife of Scthoffle, whose deposition has been read by the plaintiff in evidence. That she married him about four years ago; that he was then a man of good character; but she had afterwards discovered that he had cheated some persons of the money to enable them to get from Baden, in Europe, to this country. That she knew John Rist; and that John Rist had given him money to purchase food for his family, as they were very poor; that her husband had told her that Rist wanted him to be a witness in this cause, and had told him if he, Rist, gained the suit, that her husband should never want for any thing. That her husband had further told her, that he had never been in Hanover, and knew nothing of the plaintiff, or Nicholas Stone, deceased.

The defendant, Bowman, then stated in evidence, that he had known Nicholas Stone since the year ———; that he often stopped at his house, and often spoke of his family; that he had left in Germany a mother, a sister, and some brothers; spoke of a desire to go back to that country; said he had never heard from his relations since he left them, which was about the year 1808. Defendant further stated that he went to Hanover, in Germany, after the death of Nicholas Stone, where he found a brother and a sister of Nicholas, and some children of a deceased brother; that the brother looked very much like Nicholas; the only way that he knew the relationship was, from the brother's resemblance, and his having the possession of a letter written by Nicholas in New Orleans, and addressed to Johanna Stein, in Hanover; that the name of Stein, or Stone, is a very common one in Germany.

This was all the evidence in the cause: whereupon the jury found a verdict for the defendant.

The plaintiff, on this day, moved the court to set aside the verdict and grant a new trial on the following grounds:

1st. The verdict is contrary to the evidence.

2nd. The court misconceived the law, in the admission of evidence offered by defendant, and in rejecting evidence offered by plaintiff. But the court refused to award a new trial, or to suffer the grounds to be now filed; because, by the rule of court, the time had expired for moving for a new trial; to which the plaintiff excepts, and prays his exceptions to be signed, sealed, and enrolled.

(Signed) SAML. H. HARPER. [SEAL.]

Filed 11th March, 1837.

(Signed) T. W. COLLENS,
Deputy Clerk.

And afterwards, on the 16th of March, 1837, the following bond of appeal was made of record, to wit:

Know all men by these presents, that we, Johannes F. Stein, as principal, and John Rist as surety, are held, and firmly bound, unto Wm. Bowman in the sum of five hundred dollars for this, that, whereas, a certain judgment has been rendered against the said Johannes F. Stein, plaintiff, he has taken an appeal to the Supreme Court of the United States.

Now, therefore, if the said Johannes F. Stein shall well and truely prosecute the said appeal to effect, and shall answer to all costs and damages, if he fails to make his plea good, then this obligation to be null and void, otherwise to remain in full force and virtue.

Witness our hands and seals, this 16th March, 1837:

(Signed) JOHAN. F. STEIN. [SEAL.]
Per John Rist.

(Signed) JOHN RIST. [SEAL.]

Witness:

(Signed) T. W. COLLENS.

Filed 16th March, 1837.

(Signed) T. W. COLLENS.
Deputy Clerk.

DEPOSITIONS OF STUFFEL AND MONZAT.

The State of Louisiana in the probate court in and for the parish of St. Tammany, to the honorable John N. Duncan, one of the associate judges of the city court of New Orleans:

Know ye, that we, reposing confidence in your prudence and fidelity, do, by these presents, give unto you authority, diligently to examine all witnesses whatsoever, in a certain suit pending in our said court, in which John Frederick Stein, by his attorney in fact, John Rist, is plaintiff, and William Bowman, and M. G. Penn, the ju-

dicial representatives of the succession of Nicholas Stone, deceased, are defendants; and as well on the part of said plaintiff as of said defendants. Therefore, we desire you at certain times and places, by you to be appointed for that purpose, you do cause said witnesses to come before you, that you then and there examine them, apart, upon their corporal oaths, first taken before you on the Holy Evangelist; that you reduce their examinations to writing, and when you shall so have taken the same, that you send them, closed up, under your seal, to us, in our said court, at the court house in said parish, without delay, and have you, then and there, this writ.

Given under my hand and seal, this 10th day of Februry, A. D. 1835.

(Signed) LYMAN BRIGGS. [SEAL.]
Parish Judge

PROBATE COURT:

John Frederick Stein, by his attorney in fact, John Rist, *vs.* William Boman, curator, and Martin G. Penn, attorney for absent heirs.

Interrogatories to be propounded to François Scupffel and Nicholas Monzat, of New Orleans, to procure their testimony to be used by the plaintiff, on the trial of the above entitled cause.

1st. Do you, or each of you, know the plaintiff and defendant?

2nd. What relationship has the plaintiff to Nicholas Stone, late of Louisiana, deceased?

3rd. How long since you left Germany; had the plaintiff any sister being there, at that time?

4th. Describe Nicholas Stone, of whom you have spoken in your answer to the second interrogatory, his features, size of his teeth, if remarkable, his nose, whether long and large, his stature, his age, when he was born; describe, also, the plaintiff, Jean Frederick Stone, is he short and round, and is he, in size and make, like Nicholas Stone, his brother; state any thing else which either of you know, that will operate to the interest of the plaintiffs, as if thereunto interrogated.

ENDORSED.

PROBATE COURT:

John F. Stein *vs.* Wm. Boman and M. G. Penn: Received two copies of interrogatories, on Tuesday, the 3d day of February, A. D. 1835, and served, by handing one to Jesse R. Jones, and one to Mrs. Penn, at the domicile of M. G. Penn, on the same day.

I certify the foregoing to be a true copy of the original interrogatories filed in this case.

Given under my hand and seal, this 10th day of February, 1835.

(Signed) LYMAN BRIGGS [L. S.]
Parish Judge.

STATE OF LOUISIANA, *City of New Orleans*:

John Frederick Stein *vs.* Will. Boman, curator, and M. G. Penn, attorney for absent heirs, in the succession of N. Stone, pending in the probate court, parish of St. Tammany.

By virtue of the enclosed commission, to me directed, for the purpose of examining and taking the testimony of witnesses in the above mentioned case, upon this 12th day of February, 1835, came and appeared François Stupffel, a witness on behalf of the plaintiff, who, after being duly sworn, deposed and said, to the first interrogatory; a copy of interrogatories being also enclosed and annexed to the commission. Witness says that he does know the plaintiff and defendant in this case. To the second interrogatory: the plaintiff was the brother of Nicholas Stone, of Louisiana, deceased; they were both from Bergurdel, in Hanover; Henry Stein was the name of their father, and Margaret Michaelson, their mother's name. To the third interrogatory: it has been three months and a half since witness left Germany; the plaintiff had no sister living there at that time, or any other place, that witness knows. To the fourth interrogatory: witness says that Nicholas Stone had a full round face, long nose, the front teeth very large; he was about five feet eight or ten inches high, middling size; he was about sixty-four years of age, born in Bardowick, near Hamburg; John Frederick Stein was a man of about the same size; his teeth were not so large, nor like those of his brother Nicholas; he was a little shorter; witness knows that the father and mother are both dead, knows of no other relations of Nicholas Stone. Witness has seen John Frederick Stein, and a signature being shown to witness, which is subscribed to a document marked B; witness says that he is certain that it is the hand-writing of John Frederick Stein. The said signature is paraphed by me for greater certainty. Witness saw Nicholas Stone, of whom he has spoken, in this country about three years since. Witness returned to Germany about eleven months after he saw Nicholas Stone.

FRANÇOIS STUPFFEL.

Sworn to and subscribed before me, this 13th of February, 1835, at New Orleans. J. N. DUNCAN.

Also, came Nicholas Monzat, witness on behalf of plaintiff, who, after being sworn, deposed and said to the first interrogatory, that he knows the parties, plaintiff and defendant, John Frederick Stein and Wm. Boman. To the second interrogatory he says, that Nicholas Stone, late of Louisiana, was a brother of the plaintiff. To the third interrogatory: it is four years since witness left Germany; he does not know whether he had sisters or not, he was only acquainted with him in this country. To the fourth interrogatory: Nicholas Stone was a man of about five feet ten inches in heighth, round face, long nose, large teeth, and a well built man; witness does not know his age, but should take him to be about sixty years old; witness did not

Jean Federick Stein, he knows that he was the brother of *of* Nicholas, from having heard Nicholas say so. MONZAT.

Sworn to and subscribed before me, this 13th of February, 1835.

N. N. DUNCAN, *Judge.*

I hereby certify that the foregoing testimony of Francois Setuphel and Nicholas Monzat, was by me taken and reduced to writing; that the same were sworn to, and subscribed by the witnesses, in my presence, and in presence of James Turner, Esq. of counsel for the plaintiff, upon this 13th February, 1835, between the hours of ten and twelve inclusive, A. M.

In testimony whereof, I grant this certificate, under my hand and seal, at New Orleans, Frebruary 13th, 1835.

J. N. DUNCAN. [SEAL.]
Judge.

[ENDORSED.]

Opened in open court, October 15th, 1835.

Filed October 15th, 1835.

DOCUMENT K.

John Frederick Stein, by his attorney in fact, John Rist vs. Wm. Bowman, curator, and Martin G. Penn, attorney of absent heirs.

Interrogatories to be propounded to Francois Scuffel and Nicholas Monzatt, of New Orleans, to procure their testimony, to be used by the plaintiff on the trial of the above entitled cause:

1st. Do you and each of you know the plaintiffs and defendants?

2d. What relationship has the plaintiff to Nicholas Stone, late of Louisiana, deceased.

3d. How long since you left Germany? had the plaintiff any sister living there at that time?

4th. Describe Nicholas Stone, of whom you have spoken in your answer to 2d interrogatory, his features, size of his teeth, if remarkable, his nose, whether long and large, his stature, his age, where he was born; describe also the plaintiff, Jean Frederick Stein: is he stout and round, and is he, in his size and make, like Nicholas Stone, his brother? state every thing else which either of your know, that will operate to the interest and advantage of the plaintiff, as if thereunto interrogated.

J. TURNER,
Attorney for plaintiff.

To the honorable the judge of the probate court of St. Tammany, of Louisiana.

The petition of John Frederick Stein, by his attorney, John Rist, repectfully showeth: that the testimony of Francois Scupffel and of

Nicholas Monzatt, of New Orleans, is material for him on the trial of the above entitled cause; and that he cannot procure their attendance at court, and can only obtain their testimony by a commission, and which he prays your honor will grant; directed to J. Bermudez, or judge or justice of the peace, of the city of New Orleans; and as in duty bound, &c.

J. TURNER,
Attorney for plaintiff.

Let a commission issue, as prayed for, directed to John N. Duncan, one of the associate judges of the city court of New Orleans, returnable on Saturday, the 14th instant.

LYMAN BRIGGS,
Parish Judge.

COVINGTON, *February 9th*, 1835.

[ENDORSED K.]

PROBATE COURT.

JOHN FREDERICK STEIN
vs.
WM. BOWMAN & M. G. PENN.

INTERROGATORIES—PETITION.

Received two copies of interrogatories on Tuesday, the 3d day of February, A. D. 1835; and served, by handing one to Jesse A. Jones attorney for defendant, and one to Mrs. Penn, at the domicile of M.' G. Penn, on the same day.

H. D. TATE,
Sheriff.

TESTIMONY OF STEPTOE BLACKWELL.

James Tuner, Esq. of counsel for John F. Stein, offered to introduce as evidence, on the trial of this cause, two documents, being the testimony of Steptoe Blackwell, taken by commission, in New Orleans; and the testimoney of Nancy Kirkland, taken also by commission, in the parish of East Feliciana: the first marked F, and the last G; which were accepted by defendants, subject to all legal exceptions.

Document F is as follows, to wit:

THE STATE OF LOUISIANA,
Court of Probates, in and for the parish of St. Tammany.

To the honorable Charles Shamburg, one of the associate judges of the city court of the city of New Orleans, greeting:

Know ye, that we, reposing confidence in your prudence and fidelity, do, by these presents, give unto you authority diligently to exam-

ine all witnesses whatsoever, residing in your city, in a certain suit now pending in our said probate court, in which John Frederick Stein and Andrew Stein, are plaintiffs, and Wm. Bowman, curator, and Martin G. Penn, attorney for absent heirs, in the matter of the succession of Nicholas Stone, are defendants; and as well on the part of the said plaintiffs as of the said defendants.

You will, therefore, cause the said witnesses to come before you at a certain place and time, by you to be appointed, for that purpose; that you then and there examine them apart upon their respective corporal oaths, first taken before you on the holy Evangelist; that you reduce their examination to writing, and when your shall so have taken the same, that you send them, closed up under your seal, to us in our said court, at the town of Covington, without delay, to be read an the trial of said cause, and have you then this writ, on or before the fifteenth day of October next.

Given under my hand, and the impress of my official seal, at the town of Covington, this twenty-fifth day of September, in the year of our Lord one thoasand eight hundred and thirty-five.

LYMAN BRIGGS. [L. S.]
Parish Judge.

Interrogatories, (annexed) Andreas Stein. vs. Curator, and Attorney for absent heirs of Nicholas Stone, deceased.

COURT OF PROBATE,
Parish of St. Tammany, Louisiana.

John Frederick Stein vs. the same. Questions to be propounded to Steptoe Blackwell, a witness on the part of defendants, residing and being in the city of New Orleans.

Interrogatory 1st. Do you know the parties in the above entitled suit, or any of them?

Interrogatory 2d. Did you know Nicholas Stone in his life time? If yea, please state particularly whether you were or not intimate with him; did he or not ever converse with you about his relations —the place of his nativity?

Interrogatory 3d. Did he or not inform you of his age, his early avocations, the period of his departure from Germany, where he first landed in America, what business he followed, whether he had ever corresponded with his relations, and at what place? If yea, please state fully every thing you know, or may have heard from the deceased himself.

Interrogatory 4th. Did he, (that is deceased) ever or not inform you what relations he had, where they lived when he left them; was his father and mother alive or not, and what were their names?

Interrogatory 5th. Please state fully and explicitly every thing you may have heard from the deceased, during the many conversations you may have had with him, in his life time, relative to his relations, as if particularly interrogated thereunto?

M. G. Penn, attorney, representing absent heirs.

Cross interrogatories on the part of John Frederick Stone:

1st. If Nicholas Stone ever did converse with you about his relations in Germany, state how often, and the time of each conversation, and whether he mentioned their names, and whether he spoke of a brother, by name, John Frederick Stone, as pronounced in the English language, who were present at the time such conversation took place, besides yourself? and you will also state the whole that took place at these several conversations, and every word that was used, and expressed, or uttered, by the deceased, Nicholas Stone.

2nd. Did he tell you that his own name was John or Johann Nicholas in his own name in Germany.

3rd. Did he tell you that remained a short time with a brother, in Germany, before his departure for the United States, and what employment he followed in Germany, at different times?

4th. Did he appear to be sincere, or disposed to jest or mislead those who heard him? and state all else you heard from him, that would tend to prove who are his true heirs, or relations.

J. TURNER,
Att'y for J. F. Stein.

Notice of the time and place of taking the testimony of Steptoe Blackwell, is to be given to C. Roselius, Esq. attorney of record for Andreas Stein, Sept. 24th, 1835.

M. G. PENN.

STATE OF LOUISIANA,
Parish and city of New Orleans.

Know all men by these presents, that, by virtue of the annexed commission and interrogatories, to me directed, by the honorable, the court of probates, in and for the parish of St. Tammany, State of Louisiana, and by virtue of the power therein granted to me of examining all witnesses whatever, residing in the city of New Orleans, in a certain suit now pending in said probate court, in and for the said parish of St. Tammany, in which Andreas Stein and John Frederick Stein, are plaintiffs, and William Boman, curator, and Martin G. Penn, attorney for absent heirs, in the matter of the succession of Nicholas Stone, are defendants. Now, therefore, be it known, that, on this 29th day of September, 1835, I, Charles W. Shamburgh, one of the associate judges of the city court of New Orleans, State of Louisiana, did cause the said witness, Steptoe Blackwell, to come before me, at my office, No. 19 Gravier street, and did then and there proceed to examine said witness upon his corporal oath, first taken before me on the Holy Evangelist of Almighty God, and did then and there proceed to reduce to writing, the examination of said witness, in writing, as follows:

Depositions of Steptoe Blackwell, who being duly sworn, says for answer to the first interrogatory hereunto annexed, that he knows the deceased Nicholas Stone.

To the second interrogatory deponent sayeth, he knew Nicholas Stone in his life time, and he was intimate with him, that he conversed with deponent about his relations and place of nativity.

To the third interrogatory deponent sayeth, that deceased told him he was born in June, 1772, that he first landed in Philadelphia. Deponent does not recollect at what time decease left Germany, but he kept a German school in Pennsylvania soon after he arrived, that he never received any letters from Germany.

To the fourth interrogatory deponent sayeth, that deceased informed him, he had brothers and a sister, but he does not recollect, he ever told their names, that he was born in some place in Hanover, where he was a clerk to a wine-seller; he does not remember when deceased left Germany. That he does not recollect deceased told him, if his father and mother was dead when he left Germany; never told deponent their names.

To the fifth interrogatory deponent sayeth, that he cannot state any more respecting deceased relations than what he has already answered, as gathered from conversations with deceased.

Questions propounded by Mr. Boman during the examination. Please state where you became acquainted with Mr. Stone, what was his occupation?

Deponent answers, that in 1810 or 1811, he became acquainted with deceased at Mrs. Quays, when there, a peddler, dealing principally in dry goods.

What part of this State, or other State, did decease peddler when you knew him?

Deponent answers, that generally, when he came to Orleans, he put up with Meek Kable, and then with deponent the first; from Orleans he stopped at the present Colonel Edward's father, Mr. Cutrain, Mr. Biggerman, and Mr. Boman, in parish of St. Tammany.

Did you ever know Mr. Stone to travel to Columbia or Monticello, Mississippi, or what general route did he ever take?

Deponent answers, he never heard deceased say, he ever traded to those places, his general route from Orleans was to Col. Edwards's, Cutrain Beekham's, sometimes by Warner's, from that to William Kirkland's and A. Doherty, and many other places.

Cross interrogatories propounded to deponent by J. Turner, attorney for John Frederick Stone.

To the first interrogatory deponent answered, that he does not recollect deceased ever spoke to him of a brother, John Frederick Stone, that at some of the conversations between deponent and deceased, as alluded to in deponent's previous answers, one Daniel P. Ruff was present, deponent cannot recollect precise expressions uttered by deceased in these conversations.

To the second interrogatory deponent answers, that deceased told him his name was Nicholas Stein, as written in Germany.

To the third C. interrogatory deponent answers, that deceased never told him he staid with his brothers in Germany before his departure for the United States, but that deceased told him, he had been employed by a wine merchant in Germany.

To the fourth cross-interrogatory deponent answers, that deceased appeared to be sincere in his conversations; that to the last part of this interrogatory deponent has stated all he knows upon the subject of the deceased relations in his previous answers. Further this deponent sayeth not.

STEPTOE BLACKWELL.

Sworn and subscribed at New Orleans, September 29th, 1835, before me, C. W. SHAUMBURG, *Judge.*

STATE OF LOUISIANA, *Parish and City of New Orleans.*

I, Charles W. Shaumburg, associate judge of the city court of New Orleans, do hereby certify, under my hand and private seal, the foregoing depositions to have been taken as set forth in the caption.

[L. S.] Given under my hand and private seal, this 29th of September, 1835.

C. W. SHAUMBURG, *Associate Judge.*

The above testimony was taken in my presence.

C. ROSELIUS.

[ENDORSED.]

Propate, John F. Stein et al. vs. William Boman et al., filed October 16th, 1835.

LYMAN BRIGGS, *Parish Judge.*

Opened by consent. PENN, *for absent heirs.*
HEDGE, *for Curator.*
J. TURNER, *Attorney for F. Stein.*

GERMAN DOCUMENTS, REFERRED TO IN EXCEPTION OF PLAINTIFF, PAGE 14.

Consulate of the United States of America:

This is to certify, that F. W. Kern, Esq., whose signature is on the annexed documents, is the Chancellor of the Hanoverian Embassy to Hamburg, and that full faith and credit is due to the same.

[L. S.] Given under my hand and seal of the Consulate, at Hamburg, this the 19th September, in the year of our Lord one thousand eight hundred and thirty-four.

JOHN CUTHBERT, *Consul U. S. A.*

Die untenstehende Unterschrift der Königlich-Grossbrittanischen Hannoverschen Landdrostey zu Lüneburg wird hiermit beglaubigt. Hamburg, 19ten September, 1834.

Königlich-Grossbrittanish-Hannover Minister Residentis.

Im Auftrage. G. W. KERN. [L. S.]

Am zwanzigsten September, im Jahre Ein Tausand Sieben Hundert Drei und Siebenzig—1773—hat Jergen Heinrich Stein, Branntweinbrenner in Bardowick, den von seiner Ehefrau Margarethe, gebornen Michaelsen, am 23sten desselben Monates und Jahres ihm gebornen Sohn, Johann Friederich taufen lassen.

Gevatter: Johann Friederich Nägel, Brauer, und
Friederich Buhrdorf, Schuster in Lüneburg.

Solches wird nach Angabe des hiesigen Kirchenbuches hierdurch *sub fide pastorali* von mir bescheiniget.

Bardowick, den 11ten September, 1834, ohnweit Hamburg.

[L. S.] NOLTE, *Past. Prim.*

Dass die vorstehende Bescheinigung von dem Herrn Pastor Nolte allhier eigenhändig ausgestellt worden, wird damit gerichtlich bescheiniget.

Rathsgericht, Bardowick, den 18ten September, 1834.

[L. S.] J. L. KRAUS, *Stifts-Senior.*

Gefahen zur Beglaubigung der vorstehenden Unterschrift des Stifts-Gerichts Bardowick. Lüneburg, the 18ten September, 1834.

Königliche Grossbrittanische Hannoversche Landdrostey.

[L. S.] KUEMERN.

Die obenstehende Unterschrift der Königlich-Grossbrittanisch-Hannoverschen Landdrostey zu Lüneburg wird hiermit beglaubigt.

Hamburg, am 19ten September, 1834.

Königlich-Grossbrittanische Hannoverscher Minister-Residentis.

Im Auftrage,

[L. S.] J. W. KERN.

Nicolaus Stein, ist der Sohn des in Bardowick wohnhaft gewesenen Branntweinbrenners, Jürgen Heinrich Stein und dessen Ehefrau, Margarethe, gabornen Michaelsen.

Derselbe soll nach Angabe seiner Angehörigen hier in Bardowick geboren seyn; doch ist die Bestätigung seiner Angabe in dem in früherer Zeit nicht mit gehöriger Genauigkeit geführten Kirchenbuche nicht aufzufinden; und es kann deshalb in förmlicher Taufschein hiesigerseits nicht ausgestellt werden.

Bardowick, den 10ten September, 1834.

[L. S.] NOLTE, *Pastor Prim.*

Dass die vorstehende Bescheinigung von dem Herrn Pastor Nolte allhier eigenhändig ausgestellt worden, wird damit gerichtlich bescheiniget.

Stiftsgericht, Bardowick, den 18ten September, 1834.

[L. S.] G. L. KRAUS, *Stifts-Senior.*

Gesehen zur Beglaubigung der vorstehenden Unterschrift des Stifts-Gerichtes Bardowick.

Lüneburg, den 18ten September, 1834.

Königliche Grossbrittanisch-Hannoversche Landdrostey.

[L. S.] KUEMERN.

Die obenstehende Unterschrift der Königlichen Grossbrittanischen Hannoverschen Landdrostey zu Lüneburg wird hiermit beglaubigt.

Hamburg, am 18ten September, 1834.

Königlich-Grossbrittanisch-Hannoverscher Minister Residentis.

Im Auftrage,

[L. S.] G. W. KERN.

VOLLMACHT.

Ich Endes-Unterschriebener, Johann Friedrich Stein, aus Grossen Burgwedel, für mich und meine Erben, beauftrage and bevollmächtige hiedurch den Herrn *John Rist*, aus Louisiana, den Nachlass meines Bruders Nicolaus Stein, welcher in dem Staate Louisiana gestorben ist, Statt meiner in Anspruch und Besitz zu nehmen, alle auf dieses Vermögen Bezug habende gerichtliche und aussergerichtliche Geschäfte in meinem Namen vorzunehmen, alle ausstehenden Vorderungen einzukassiren, alle etwa vorhandenen Grundstücke und bewegliche Effekten öffentlich meistbietend, oder unter der Hand nach eignem besten Ermessen zu verkaufen, Prozesse zu führen, Anwälde zu bestellen, jede etwaige sonstige Rechtsmittel nach den Gesetzen jedes Ortes zu ergreifen und durchzusetzen, Eide zuzuschieben, zurückzuschieben, und an meiner Statt abzuleisten, Zahlungen anzunehmen, und darüber gültige Quitungen auszustellen, Hypotheken und Cautionen zu bestellen, Obligationen zu veräussern, zu cediren, Arreste anzulegen, Vergleiche zu schliessen, überhaupt Alles and Jedes zu thun, was ich selbst alldort vorzunehmen berechtiget, oder verpflichtet seyn möchte.

Alles mein vorgedachter Bevollmächtigter, oder die von ihm etwa substituirten Alwälde thun werden, verspreche ich als von mir selbst geschehen anzuerkennen und zu genehmigen.

Auch werde ich meinem Bevollmächtigten alle gehabten Kosten und Auslagen erstatten. So geschehen zu Burgwedel, am fünfzehnten September, 1834.

JOHANN FRIEDRICH STEIN.

Dass der Einwohner Johann Friedrich Stein zu Grossen Burgwedel, nach dem ihm vorstehenden General-Vollmacht wörtlich vorgelesen worden, dieselbe in Ansehung aller Punkte anerkannt und hierauf wie zu ersehen ist, mit seinem Namen eigenhändig unterzeichnet hat, wird hiermit auf dessen Ansuchen attestirt.

Burgwedel, am 1ten September, 1834.

Königlich-Grossbrittanisch-Hannoversche Amts-Vogtey.

v. I. BURSCHE.

Geschehen zur Beglaubigung der vorstehenden Unterschrift der Königlichen Amtsvogtey Burgwedel.

Lüneburg, den 18ten September, 1834.

Königliche Grossbrittanische Hannoversche Landdrostey.

[L. S.] KUEMERN.

Die obenstehende Königliche Grossbrittanische Hannoverschen Landdrostey zu Lüneburg Unterschrift wird hiermit beglaubiget.

Hamburg, am 19ten September, 1834.

Königlich-Grossbrittanische Hannoverscher Minister Residentis.

Im Auftrage,

[L. S.] G. W. KERN.

ACTUM BEYM AMTE BURGWEDEL, AM 15TEN SEPTEMBER, 1834.

Nachdem der Einwohner Johann Friedrich Stein, in dem hiesigen Amtsdorfe Grossen Burgwedel wohnhaft, persönlich angezeigt hatte, wie er darzuthun habe, dass er ein leiblicher Bruder von dem in dem Staate Louisiana verstorbenen Nicolaus Stein sey, und er daher bitten wolle, dass die miterschienenen Bewohner, Johann Heinrich Wichmann and Hans Heinrich Gehrke, aus Grossen Burgwedel, über die Abkunft und früheren persönlichen Verhältnisse dieses Nicolaus Stein, eidlich vernommen werden mögten, so wurden diesen der Zweck ihrer Gegenwart eröffnet, und es haben darauf dieselben nach geschehener Vorlesung der Warnung vor dem Meineide nachstehenden Eid *actu corporali* abgeschworen:

Ich, Johann Heinrich Wichmann, Hans Heinrich Gehrke, geloben und schwören einen Eid zu Gott und auf sein heiliges Wort, dass ich über die Abkunft in früheren persönlichen Verhältnisse, des verstorbenen Nicolaus Stein, nach meinem besten Willen und Gewissen, die Wahrheit und alles dasjenige aussagen will, was mir darüber bekannt ist, und ich mir annoch zu erinnern weiss, and dass ich dies nicht unterlassen will, weder aus Freundschaft, Feindschaft, Furcht, Neid, Hass, Gunst, Geschenke, und Gaben, noch durch irgend sonst etwas so wahr mir Gott helfe und sein heiliges Evangelium.

Die Comparenten sind hierauf einer nach dem andern, und nachdem jedesmal nur einer von ihnen vorgerufen worden war, der andere sich aber während dem entfernt hatte, über folgende Fragen wie nachstehet, vernommen worden:

1. Wie er sich nenne? wie alt er sey, wo er geboren sey, wo er wohne, und ob er mit Johann Friedrich Stein verwandt sey?

ER HEISSE JOHANN HEINRICH WICHMANN.

Er sey 43 Jahr alt, hieselbst zu Gross Burgwedel geboren, und daselbst wohnhaft. Er ernähre sich vom Böttger Handwerke, und sey ein Schwager von Johann Friedrich Stein.

Er heisse *Hans Heinrich Gehrke*, sey 56 Jahre alt, hieselbst geboren und wohnhaft. Er ernähre sich von der Schuster-Profession, und sey ein Schwager von Johann Friedrich Stein.

2. Ob er ausser dem Häuslinge Johann Friedrich Stein, welcher hieselbst wohnhaft sey, und ausser dessen Söhne vor Zeiten jemand gekannt habe, welcher eben diesen Namen geführt habe.

Johann Heinrich Wichmann.

Ja, es sey vor einer langen Reihe von Jahren hieselbst jemand Namens Stein anwesend gewesen, and habe derselbe sich bey Johann Friedrich Stein aufgehalten.

Hans Heinrich Gehrke.

Ja, dieses sey der Fall. Es sey nemlich vor vielen Jahren jemand hier anwesend gewesen, welcher ebenfals den Namen Stein geführt habe. Es sey dieses im Jahre 1806 gewesen.

3. Welche Vorname derselbe gehabt?

Johann Heinrich Weichmann.

Dieses sey ihm nicht bekannt.

Hans Heinrich Gehrke.

Das habe er damals nicht erfahren. Er habe erst lange nachher gehört, dass dieser Stein, Nicolaus Stein geheissen habe.

4. Ob ihm bekannt sey, an welchem Orte derselbe geboren sey?

Johann Heinrich Weichmann.

Dieser Stein habe sich zwar nicht in seiner Gegenwart darüber geäussert, da er aber gesagt habe, er sey ein Bruder von dem vorbenannten Johann Friedrich Stein sey, so müsse derselbe auch wohl zu Bardowick geboren seyn, da dieser der Geburtsort des letzteren sey.

Hans Heinrich Gehrke.

Er habe schon damals erfahren, dass dieser Stein zu Bardowick geboren sey.

5. Ob er den gedachten Stein genau gekannt habe, und bey welcher Gelegenheit er ihn habe kennen lernen?

Johann Heinrich Weichmann.

Der ebenbenannte Johann Friedrich Stein habe bey seinem Vater gewohnt. Er sey damals 16 bis 17 Jahre alt gewesen, und habe den fraglichen Stein daher ofte aus und ein gehen sehen. Auch habe er wohl zuweilen mit ihm gesprochen.

Hans Heinrich Gehrke.

Er habe für denselben zu verschiedenen Malen Schusterarbeit verfertiget, und es sey dieser Stein bey dieser Veranlassung zu ihm gekommen, oder er sey zu demselben gegangen.

6. Wie alt dieser Stein gewesen sey?

Johann Heinrich Weichmann.

Das sey ihm nicht bekannt. Es sey möglich, dass derselbe ein paar Jahre älter als Johann Friedrich Stein gewesen.

Hans Heinrich Gehrke.

Es möge derselbe wohl 33 bis 34 Jahre alt gewesen seyn.

7. Der Deponent ist aufgefordert worden, er möge derselbe diesen Stein hinsichtlich seiner körperlichen Bildung beschreiben.

Johann Heinrich Weichmann.

Derselbe sey von gleicher Statur wie Johann Friedrich Stein gewesen, habe ein volles rundes Gesicht, und eine lange Nase gehabt. Wie derselbe sonst ausgesehen, könne er sich nicht mehr erinnern.

Hans Heinrich Gehrke.

Selbiger sey von der Statur wie Johann Friedrich Stein gewesen, habe ein grobes Gesicht und eine grosse Nase gehabt. Eine genauere Beschreibung könne er nicht von diesem Stein machen.

8. Ob ihm bekannt sey zu welchem Gewerke derselbe sich bey Johann Friedrich Stein aufgehalten habe?

Johann Heinrich Weichmann.

Er habe damals davon sprechen hören, dass er sich in seinem früheren Wohnorte, zu Bardowick, nicht habe ernähren können, und dass er daher Arbeit suche. Dass er ein Handwerk gelernt gehabt, habe er nicht gehört.

Hans Heinrich Gehrke.

Derselbe sey von Bardowick hieher gekommen, weil er daselbst sich nicht mehr habe ernähren können.

9. Wie lange sich dieser Stein hieselbst aufgehalten habe?

Johann Heinrich Weichmann.

Das erinnere er sich nicht mehr.

Hans Heinrich Gehrke.

Es möge derselbe wohl acht Tage hier anwesend gewesen seyn.

10. Wohin er sich von hier begeben habe?

Johann Heinrich Weichmann.

Dieser Stein habe sich bey dem Pächter Schreiver zu Elze, Amts Bissendorf, vermiethet. Der Deponent äusserte gleich nachher, wie dieser Schriever damals noch wohl zu Gailhof gewohnt haben könne.

Hans Heinrich Gehrke.

Nach Gailhof, Amts Bissendorf, wo er sich bey einen Branntweinbrenner vermiethet habe.

11. Ob ihm bekannt sey, was weiter aus demselben geworden sey, und wie lange er bey dem Pächter Schriever geblieben sey?

Johann Heinrich Wichmann.

Wie lange sich dieser Stein zu Elze oder Gailhof aufgehalten habe, sey ihm nicht bekannt; Johann Friedrich Stein habe aber ein halbes oder ein Vierteljahr nachher in seiner Gegenwart geäussert, dass sein Bruder sich heimlich entfernt habe. Wohin dieser sich begeben, sey ihm unbekannt; und habe er erst vor acht Tagen erfahren, dass die Leute im Dorfe sagten, dass dieser Stein dero Zeit nach Amerika gegangen, und daselbst verstorben sey.

Hans Heinrich Gehrke.

Wohin derselbe sich von Gailhof begeben habe, sey ihm unbekannt; etwa ein halb Jahr nachher, als dieser Stein sich von hier entfernt gehabt, sey ihm gesagt worden, dass derselbe sich von dort wegbegeben habe, welches ihm unangenehm gewesen sey, weil selbiger ihm das Machelohn für ein Paar neue Stiefel schuldig geblieben war.

Der Deponent wurde aufgefordert, dass er sich bedenken möge in welchem Jahre der gedachte Stein sich hierselbst aufgehalten habe, oder Johann Friedrich Stein in seiner Gegenwart vom Munde gegeben habe, dass sein Bruder heimlich fortgegangen sey?

Johann Heinrich Weichmann.

Hierüber wisse er keine zuverlässige Auskunft zu geben. Da er damals wie der mehrbesagte Stein hier gewesen, 16 bis 17 Jahre alt

gewesen, und er nunmehr 43 Jahre alt sey, so müsse jenes for 27 oder 28 Jahren geschehen seyn. Es könne aber möglich seyn, dass ere in Paar Jahre jünger gewesen sey.

Hans Heinrich Gehrke.

Er wisse gewiss, dass dieses im Jahre 1806 gewesen sey. Nachdem den Deponenten nachstehende Depositionen wörtlich vorgelesen worden waren, wurden dieselben von ihnen genehmigt.

So geschehen wie oben, *in fidem.*

[L. S.] R. v. d. BUSCHE.

Gesehen zur Beglaubigung der vorstehenden Unterschrift der Königlichen Amtsvogtey Burgwedel. Lüneburg, den 18ten September, 1834.

Königliche Grossbrittanish-Hannoversche Landdrostey.

[L. S.] RUEMERN.

Die ———

GERMAN DOCUMENTS RETURNED UNDER COMMISSION, REFERRED TO IN PAGE 20.

To the Clerk of the Eastern District Court of the United States for the State of Louisiana, New Orleans.

Depositions of Charles Nolte, Pastor Primarius of the parish of Bardowick, in the Kingdom of Hanover, in a cause in which Johann Friedrich Stein is plaintiff, and William Bowman, defendant, in the Eastern District Court of the United States, for the State of Louisiana.

COURT OF THE UNITED STATES,
For the Eastern District of Louisiana.

To John Cuthbert, American Consul at Hamburg.

Know ye, that reposing special trust and confidence in your integrity and ability, we hereby authorize and require you, that you call and cause to come before you, ——— Nolte, Pastor Primarius of Bardowick, Hanover, and him duly examine on oath, touching and concerning certain matters and things in a cause now depending in the same court, wherein Johann Friedrick Stein is plaintiff, and William Bowman is defendant; and the same examinations so taken and reduced to writing, you certify under your hand and seal, and send enclosed to this court without delay, to be read in evidence on the trial of said cause, and send also this writ.

Witness the Honorable Samuel H. Harper, judge of said court, at the city of New Orleans, this twenty-sixth day of May, Anno Domini

1836, and the 60th year of the independence of the United States of America.

DUNCAN N. HENNEN, *Clerk.*

DISTRICT COURT OF THE UNITED STATES OF AMERICA,
For the Eastern District of the State of Louisiana.

Interrogatories in a case in which Johann Friedrick Stein is plaintiff, and William Bowman, defendant.

1st Interrogatory. By the laws of Hanover, is a note or record to be kept of the births or baptism of persons born therein? If so, state how long such has been the law, and whether it be a law enjoined by the Government of the country, or whether it be a regulation adopted by the church for its government, and are such registers regarded as matters of record, and received as evidence in courts of justice?

2d Interrogatory. Are you, or not, the keeper of such record at Bardowick, and have you, or not, the original record-books, or some of them, in your possession?

3d Interrogatory. Have the said books and the registers been kept with care, or have, or not, some of the books been lost by time, or otherwise destroyed; and has there, or not, been periods when the regulations upon the subject have been neglected by parents and others, whose duty it was to attend to them?

4th Interrogatory. If there be a register of the birth or baptism of Johann Friedrich Stein in your possession, being an original record, transcribe it in answer to this question?

5th Interrogatory. Is there, or not, in your possession an original record of the birth or baptism of Nicholas Stein, born of the same parents of Johann Friedrick Stein? If there be, copy it in answer to this interrogatory.

6th. Interrogatory. Were, or not, the records of baptism regularly kept during the year 1772, and about that period, and are all the books thereof preserved, and are they now in your possession, or does it, or not appear, that some of them are missing?

7th Interrogatory. What was the extent of the territorial limits in the year 1772, and about that period, within which the records of baptism, ect. were kept at Bardowick?

8th Interrogatory. By the laws of Hanover is, or not, other evidence received in the court of justice of consanguinity, than the records of births or baptism, and in the absence of such register do, or not, the courts receive the evidence of witnesses, of the relationship or consanguinity of persons?

R. H. CHINN, *Att. for Petitioner.*

The within interrogatories have been presented. I acknowledge service thereof, and decline making cross interrogatories. May 1836.

G. M. CONRAD, *Att'y for Defendant.*

Deposition of Charles Nolte, Pastor Primarius of the parish of Bardowick, in the Kingdom of Hanover, aged 49 years, produced, sworn, and examined on the seventh of September, in the year 1836, at the house of said Charles Nolte, in the town of Bardowick, by virtue of a commission issuing out of the district court of the United States of America, for the eastern district of Louisiana, to John Cuthbert, American consul at Hamburg.

Ew. Wohlgebornen erwiedere ich auch die in Ihrem geehrten Schreiben vom 12ten August, 1836, mir vorgelegten Fragen folgendes:

Ad. 1. Nach den Gesetzen des Königreichs Hanover ist der Geistliche jeder Gemeinde verpflichtet das Kirchenbuch zu führen, und in dasselbe ausser den sich ereignenden Sterbefällen, und den vorkommenden Copulationen, die Geburt und Taufe eines jedes Kindes, mit Angabe des Geburts - und Tauftages, so wie des Namens der Eltern und der Taufzeugen einzutragen. Wo mehrere Geistliche an einer Gemeinde angestellt sind, liegt dies Geschäft in der Regel dem ersten Prediger *(pastori primario)* ab.

Ad. 2. Demzufolge bin ich, der Unterzeichnete, als *Pastor Primarius* zu Bardowick, mit der Führung des hiesigen Kirchenbuches, so wie auch mit der Ausstellung der Geburts - und Taufscheine, welche gefordert werden, beauftragt.

Ad. 3. Das benannte Kirchenbuch ist in älterer Zeit nicht immer mit der Richtigkeit der Sache entsprechenden Sorgfalt geführt.

Ad. 4. Die Angabe der Geburt und Taufe eines Johann Friedrich Stein befindet sich in dem hiesigen Kirchenbuche; derselbe ist am 23sten September, im Jahre 1773, zu Bardowick, geboren. Sein Vater heist Jürgen Heinrich Stein, und seine Mutter, Anna Margaretha, geborene Michaelsen. Es kann erforderlichenfalls ein beglaubigter Geburts - und Taufschein in üblicher Form darüber ausgestellt werden.

An. 5. Die Angabe der Geburt oder Taufe eines Nicolaus Stein, der mit den vorbenannten Johann Friedrich Stein, einen und denselben Vater, oder eine und dieselbe Mutter hätte, und also der Bruder seyn könnte, ist in dem Kirchenbuche zu Bardowick nicht enthalten.

Ad. 6. Das Kirchenbuch vom Jahr 1772, so wie von den zunächstvorhergehenden und den nachfolgenden Jahren, welches um diese Zeit auf die ad. 3, von mir bezeichnete Weise geführt ist, befindet sich in meinem Besitz.

Ad. 7. Zu der Gemeinde Bardowick, die gegen 3000 Seelen zählt, ausser dem Kirchenorte Bardowick, die Dörfer Wittorf, Vogelsen, Mährtersen, Radbruch, und Moestorf. Der Umfang derselben beträgt einige deutsche Meilen.

Sollten Ew. Wohlgeboren es auf die vorstehende mit möglichster Genauigkeit von mir ertheilten Antworten noch für zweckdienlich oder nöthig erachten, sich selbst hieher zu begeben, so wäre mir

dazu ein jeder Tag gelegen. Jedoch mögte ich anheimgeben, mir denselben vorherzubestimmen, damit Sie mich desto sicherer zu Hause antreffen mögen.

Schliesslich bemerke ich, dass es nicht möglich sey, dass die Familie Stein aus unserer Gemeinde in eine andere gezogen, dass daselbst der Sohn geboren, getauft, und in das Kirchenbuch eingetragen ist, um dessen Geburts- und Taufschein es sich hier handelt. Es mögte demnach nicht unzweckmässig seyn, an die Geistlichen unserer Provinz Lüneburg, oder an die des ganzen Königreiches, etwa durch Vermittlung des Königlichen Consistoriums zu Hanover eine öffentliche Aufforderung ergehen zu lassen, in den Kirchenbüchern ihrer Parachten über den in Rede stehenden Gegenstand, die nöthige Aufforschung anzustellen.

Mit der vollkommensten Hochachtung zeichne ich mich Ew. Wohlgeboren gehorsamsten Diener,

CARL NOLTE. *Pastor Prim.*

Bardowick, 20sten August, 1836.

An den Consul JOHN CUTHBERT, zu Hamburg.

CERTIFICATE OF BAPTISM OF JOHN FREDERICK STEIN, AND NAMES OF THE SPONSORS.

Am 26sten September, im Jahre Ein Tausend Sieben Hundred Drey und Siebenzig—1773—hat der Branntweinbrenner Jürgen Heinrich Stein zu Bardowick, den von seiner Ehefrau, Anna Margaretha, geborene Michaelsen, am 26sten des Monats und Jahres ihm gebornen Sohn

JOHANN FRIEDRICH taufen lassen.

Gevatter: Johann Friedrich Vögel,
Friedrich Burdorf.

Solches wird nach Angabe des hiesigen Kirchenbuches hiedurch *sub fide pastorali* von mir bescheiniget.

Bardowick, den 7ten September, 1836.

[L. S.] NOLTE, *Pastor Prim.*

Ad. 8, bemerke ich nachträglich, dass so weit mir die Gesetze unseres Landes bekannt sind, in der Regel zum Beweise der Blutsverwandschaft amtliche Geburts- oder Taufscheine erforderlich sind, dass aber auch in einzelnen Fällen wo solche Scheine fehlen, der Beweis der Blutverwandschaft durch Zeugen geführt werden kann.

CARL NOLTE; *Pastor Prim.*

CONSULATE OF THE UNITED STATES OF AMERICA,
At the Free Hanseatic City, Hamburg.

I hereby certify, that the first interrogatories, No. 1 to 7, were answered in the form of a letter, that on the 7th instant, I went to Bar-

dowick, when the eighth interrogatory was answered, when the whole being read over, was sworn and signed before me.

In testimony whereof, I have hereunto subscribed my name, [L. S.] and affixed the seal of my office, this eighth day of September, 1836.

JOHN CUTHBERT, *Consul U. S. A.*

INVENTORY REFERRED TO IN PAGE 20.

STATE OF LOUISIANA, *Parish of St. Tammany.*

Be it known and remembered, that on this twenty ninth day of November, in the year of our Lord one thousand eight hundred and thirty-three, and of the independence of the United States of America the fifty-eighth, I, Lyman Briggs, parish judge in and for the parish of St. Tammany, and ex officio judge of the court of probates, and duly authorized by law to exercise the powers of notary public, therein proceeded to make, ex officio, an inventory of the property and effects belonging to the vacant estate of Nicholas Stone, late of the aforesaid parish, deceased; aided and assisted by Obed Kirkland and Edward H. Hedge, two inhabitants, freeholders of full age, of said parish of St. Tammany, duly appointed and sworn as appraisers, and in presence of William P. Mortee and O. C. Addison, two inhabitants of said parish, of full age, called as witnesses, and in presence of Martin Gordon Penn, Esquire, appointed to represent the interest of the absent heirs.

First. Beginning with a certain tract or parcel of land, being situate in this parish, on the Boge Chitto river, containing six hundred and forty acres, more or less, being the same which deceased acquired by purchase of Edward McKean, valued at six hundred dollars -	600 00
Second. One horse, saddle, and bridle, and blankets, valued at the sum of thirty-five dollars - -	35 00
Third. One lot wearing apparel, saddle bags, and sundries, valued at the sum of five dollars - -	5 00
Fourth. Found in cash the sum of seven hundred and seventy-four dollars - - - - -	774 00
Amounting in the aggregate to the sum of one thousand four hundred and fourteen dollars - -	$1,414 00

There being no other property except papers, which can be found in this parish; we, therefore, close this inventory, and the aforesaid parties have signed with me, the judge aforesaid.

OBED KIRKLAND.

EDWARD H. HEDGE,
M. G. PENN,
Att'ys representing absent Heirs.

Witness: O. C. ADDISON,
W. P. MORTEE.

LYMAN BRIGGS, *Parish Judge.*

And be it further remembered, that on the same day, I, the said Lyman Briggs, judge as aforesaid, in presence of William P. Mortee and Edward H. Hedge, two citizens, freeholders of full age, of this parish, and in presence of Martin G. Penn, Esquire, attorney as aforesaid, did proceed to take a list of the notes and papers belonging to the vacant estate of Nicholas Stone, deceased, intestate, and have paraphed and placed the initials of my name on each, thus, (No. L. B.) from Number one up to thirty-eight, inclusively, which are as follows, viz:

First. A note of hand on Lindsey Davis, for seven hundred and fifty-four dollars - - -	$754 00
Second. Do. do. on Robert Dyer, jun., for one hundred dollars - - - - -	100 00
Third. Do do Samuel Davis, for the sum of two hundred fifty-six 32-100 dollars - -	256 32
Fourth. Do do Nancy Kirkland, for the sum of five hundred dollars - - - -	500 00
Fifth. Do do Jesse and Nancy Kirkland, for the sum of three hundred and fifty dollars -	350 00
Sixth. The note of Robert Allison, for the sum of one hundred thirty-five dollars - - -	135 00
Seventh. Do Thomas H. Pickett, for eleven hundred and twenty-five dollars - - -	1,125 00
Eighth. Do Shem B. Bonner, for ninety-five dollars - - - - - -	95 00
Ninth. Do William H. Johnson, for eight hundred seventy-four dollars and five cents - -	874 05
Tenth. Do Jesse Morgan, for ninety-nine dollars - - - - - -	99 00
Eleventh. Do John Gillemore, for ninety-one dollars - - - - -	91 00
Twelfth. Do Peter Doherty, for one hundred and ninety - - - - - -	190 00
Thirteenth. Do William Doherty, for twenty-two dollars - - - - - -	22 00

Fourteenth. Do R. Dyer, for nine hundred dollars	900 00
Fifteenth. Do R. Dyer, for nine hundred dollars	900 00
Sixteenth. Do D. McKae, for one hundred dollars	100 00
Seventeenth. Do Henry Melton, for fifteen dollars	15 00
Eighteenth. Do Ant'y Doherty, sen., for four thousand nine hundred and twelve dollars	4,912 00
Nineteenth. Do W. Boatner, for three hundred dollars	300 00
Twentieth. Do Paul Wooten, for four hundred twenty-six dollars fifty cents	426 50
Twenty-first. Do Paul Wooten, three hundred and twelve dollars	312 00
Twenty-second. Do Alexander Paxter, fifty-seven dollars	57 00
Twenty-third. Do James Tate do, thirty dollars	30 00
Twenty-fourth. Do Jeremiah Thompson, one hundred and twenty dollars	120 00
Twenty-fifth. Do. Balance, Jeremiah Thompson, one hundred	100 00
Twenty-sixth. Do Albert Frazer do, two hundred dollars	200 00
Twenty-seventh. Do Abbot & Ganter do, two hundred dollars	200 00
Twenty-eighth. Do William Bowman, four thousand six hundred and forty-eight dollars	4,648 00
Twenty-ninth. Do. Steptoe Blackwell do, two thousand dollars	2,000 00
Thirtieth. Do Nancy Kirkland do, one hundred dollars	100 00
Thirty-first. Do Nathaniel Cox do, four hundred dollars	400 00
Thirty-second. Do Samuel Patch do, sixty-two dollars thirty-seven cents	62 37
Thirty-third. Do Caleb Gale and Ambrose Gale do, five hundred and twenty-two dollars 50-100	522 50
Thirty-fourth. Do John Morgan, tutor, &c. do, three hundred and fifty dollars	350 00
Thirty-fifth. Do Micassah Ashford do, four hundred and fifty-nine dollars	459 00
Thirty-sixth. Do Wm. Strasher do, ninety dollars	90 00
Thirty-seventh. Do Samuel Patch do, one hundred and twelve dollars	112 00
Making in the aggregate, the sum of twenty-one thousand nine hundred and seventeen dollars seventy-four cents	$21,917 74

Also, a certificate of deposite with Nathaniel Cox, of forty shares of the capital stock of the Canal and Banking Company, and fourteen shares of the City Bank of New Orleans, which said certificate has been numbered thirty-eight. There being no other papers of any importance whatever, we have closed this list on the day and date above written, in the presence of the aforesaid mentioned witnesses.

LYMAN BRIGGS, *Parish Judge.*

M. G. PENN,
Attorney, representing absent heirs.

Witness: W. P. MORTEE,
ED. H. HEDGE.

[ENDORSED.]

No. 2340. Probate court, parish of St. Tammany, succession of Nicholas Stein, deceased. Inventory and list of papers amounting to the sum of $23,350 74. Amount of bank stocks, $5,400 00 = 2,870 74.

DEPOSITION OF HENRY MUNGET.

STEIN
vs.
BOWMAN.

Suit in the United States court, held in the custom-house at New Orleans, Louisiana.

Interrogatory 1st. Do you, or do you not, know the plaintiff and defendant in this suit?

Answer. I do.

Interrogatory 2d. Did you, or did you not, know one Nicholas Stein, a German by birth, who emigrated to the United States, and after resided until his death in Louisiana?

Answer. I did.

Interrogatory 3d. Do you, or do you not, know whether he had a brother by the name of Johanna Frederick Stein?

Answer. I do know he had a brother of that name.

Interrogatory 4th. Did you, or did you not know the father and mother of the said Nicholas Stein and Johanna Frederick Stein and if so, please state whether they, or either of them, be living or dead, or were living or dead, at the time of the death of Nicholas Stein, and what children or descendants, they the said father and mother left living at the time of their death?

Answer. I did know the father and mother of the said Nicholas Stein and Johanna Frederick Stein, and they were both dead previous to the death of the Nicholas Stein, leaving at their death no other children or descendants but the said Nicholas and Johanna Frederick Stein.

Interrogatory 5th. Do you, or do you not, know at what time the said Nicholas Stein was born?

Answer. I do; he was born in and about 1772.

Interrogatory 6th. What do you suppose would be his age, if he were living at this time?

Answer. He would be about 64 or 65 years old.

Interrogatory 7th. Do you, or do you not, know which of the two, Nicholas and Johann Frederick Stein, was the elder; and if so, which was the elder of the two?

Answer. I did know Nicholas Stein, and I also knew Johanna Frederick Stein, and know that Nicholas Stein, who is now dead, was the elder of the two.

(Signed) HENRY MUNGET.

STATE OF MISSISSIPPI,
Wilkinson County and Town of Woodville, ss.

I, John B. Jones, chief magistrate of the town aforesaid, duly commissioned and qualified according to law, do hereby certify, that on the twenty-first day of June, in the year 1836, Henry Munget personally appeared before me, at my office, in said town of Woodville, who being by me carefully examined, and cautioned, and sworn, to testify the whole truth in a certain matter depending and undetermined in the eastern district court of the United States, for the district of Louisiana, wherein Johanna Frederick Stein, alias John Frederick Stone is plaintiff, and William Bowman is defendant, did then and there depose to the matters and things contained in the foregoing deposition; and I do further certify, that the said deponent resides so far, as I am informed and believe, more than one hundred miles from the place of trial, and that the place of taking the same is more than one hundred miles distant from the said place of trial, and that I am not of counsel or attorney for either of the parties, and not interested in the court of the cause. This deposition being taken in behalf of the plaintiff, no notification to the above party to be present at the taking of the same, and put interrogatories was served upon him or his attorney, neither being within one hundred miles of the place of taking the deposition within my knowledge; and the said deposition was subscribed by the said witness after the same was reduced to writing by me; all which is certified as the cause and reason of taking the foregoing deposition.

Given under my hand and seal, this 21st day of June, 1836.

(Signed) JNO. B. JONES. [SEAL.]
Mayor of the Town of Woodville.

ENDORSED.

Opened and filed in open court, 16th December, 1836.

(Signed) T. W. COLLENS, *Deputy Clerk.*

ENVELOPE.

STEIN *vs.* BOWMAN. } Depositions.

To the Clerk of the District Court of the United States, for the Eastern District of Louisiana, New Orleans.

CLERK'S OFFICE, UNITED STATES DISTRICT COURT,
Eastern District of Louisiana.

I, Thomas W. Collens, deputy clerk of the district court of the United States, eastern district of Louisiana, do hereby certify, that the foregoing fifty-seven pages contain a true copy of the proceedings had in a certain cause, wherein John F. Stein is plaintiff, and William Bowman is defendant, as appears by the record remaining in this office.

T. W. COLLENS, *Dep. Clerk.*

I, Samuel H. Harper, judge of the district court of the United States, for the eastern district of Louisiana, do hereby certify, that Thomas W. Collens, who has subscribed the above certificate, is deputy clerk of the said court, and that all due faith and credit are, and ought to be given to his attestations as such, and that the above attestation is in due form of law.

Given under my hand, and the seal of the court, this 24th day of May, 1837.

[L. S.] SAMUEL H. HARPER, *Judge U. S.*

Fee for this transcript and writs subjoined - - $40 33½

UNITED STATES OF AMERICA, *ss.*

The President of the United States to the honorable the judge of the district court of the United States, for the eastern district of Louisiana, *greeting:*

Because, in the record and proceedings, as also in the rendition of the judgment of a plea, of which is in the said district court, before you, between John F. Stein and William Bowman, and others, a manifest error hath happened, to the great damage of the said John F. Stein, as by his complaint appears.

We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid, in this behalf, do command you, if judgement therein be given, that then, under you seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the first Monday of August next, in the

said Supreme Court, to be then and there held; that the record and proceedings aforesaid, being inspected, the said Supreme Court, may cause further to be done therein to correct that error, what of right, and acccording to the laws and customs of the United States, should be done.

Witness the honorable Roger B. Taney, chief justice of the said Supreme Court, this second Monday of January, in the year of our Lord one thousand eight hundred and thirty-seven.

T. W. COLLENS, *Deputy Clerk.*

THE UNITED STATES OF AMERICA,

To William Bowman, John Stein, Anna Sophia Stein, and Luer Stein, *greeting:*

You are hereby cited and admonished, to be and appear at a Supreme Court of the United States, to be holden at Washington, on the first Monday of August next, pursuant to a writ of error, filed in the clerk's office of the United States district court, eastern district of Louisiana, wherein John Frederick Stein is plaintiff in error, and you are defendant in error, to show cause, if any there be, why the judgment rendered against the said plaintiff in error, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, this second Monday of January, in the year of our Lord one thousand eight hundred and thirty-seven.

[SEAL.] SAMUEL H. HARPER, *Judge U. S.*

CITATION IN ERROR.

J. F. STEIN
vs.
WILLIAM BOWMAN.

The copies to be served on Ls. Janin, Esq. and C. M. Conrad, Esq. Received Friday, May 26th, 1837.

Served copy of the within citation on William Bowman, one of the defendants in error, at the city of New Orleans, May 26th, 1837, by leaving the same at his place of abode, with a white person above the age of fourteen years. And I served a copy of the within citation in error on Charles M. Conrad, attorney for the other defendants in error, in person, on the said 26th day of May, 1837, at New Orleans.

J. W. HOLLAND, *Marshal.*

314.

The subjoined signature (subscription) of the Royal Britanic Hanoverian land bailiwick, at Lûneburg, is hereby attested.
HAMBURG, *September*, 19*th*, 1834.
Royal Britanic Hanoverian Minister Residentis.
Im auftrage, by authority.
SEAL. G. W. KERN.

On the 20th September, in the year one thousand seven hundred and seventy-three, (1773) Jergen Henry Stein, distiller of whiskey, (or spirits) in Bardowick, had his son, John Frederic, born by his wife, Margaretta, (whose maiden name was Michaelsen) baptised on the 23d of the same month and year.
Godfather: JOHN FREDERIC NAGEL, *Brewer*,
and FREDERICK BUHRDORF, *Shoemaker*,
in Lûneburg.

This is (the above is) in accordance with the Church book of this place, certified by me, sub fide pastorale.
BARDOWICK, *September* 11*th*, 1834, *not far from Hamburg*.
NOLTE, *Pastor Prim.*

That the above certificate by pastor (Rev. Mr.) Nolte, was executed by himself, (with his own hand,) is thereby officially certified.
Ratts-Gericht, (court of justice) BARDOWICK, *Sept.* 11, 1834.
Attestation: J. L. KRAUS, *Stifts-Senior*.

Examined for the acknowledgment of the authenticity of the preceding signature of the stifts court, Bardowick vs. Lûneburg, September 18th, 1834.
Royal British Hanoverian Landdrostey, (bailiwick.)
SEAL. KUEMERN.

The above signature of the Royal British Hanoverian Landdrostey, (bailiwick) at Lûneburg, is hereby attested.
HAMBURG, *Sept.* 19*th*, 1834.
Royal British Hanoverian Minister Residentis.
Im auftrage, by authority.
SEAL. J. W. KERN.

Nicolaus Stein is the son of Jûrgen Heinrich Stein, and his wife, Margaretta, whose maiden name was Michaelsen. He is said, by those connected with him, to have been born here in Bardowick; or according to the statement of his connections he is said to be born here in Bardowick; yet the confirmation of this statement is not to be found in the church book, owing to the want of proper ac-

curacy (Church book kept) in former time of keeping that book; and hence, a formal certificate of baptism cannot be executed.

BARDOWICK, *Sept.* 10*th*, 1834.

SEAL. NOLTE, *Pastor Prim.*

That the preceding certificate of Pastor Nolte was executed here, by his own hand is hereby certified according to law.

STIFTS GERICHT, BORDOWICK, *Sept.* 18*th*, 1834.

SEAL. G. L. KRAUS, *Stifts-Senior.*

Examined for the attestation of the preceeding signature of the stift court Bardowick.

LUNEBURG, *Sept.* 18*th*, 1834.

Royal British Hanoverian Landdrostey (bailiwick.)

SEAL. KUEMERN.

The above signature of the Royal British Hanoverian Landdrostey (baliwick) at Luneburg is hereby attested.

HAMBURG, *Sept.* 18*th*, 1834.

Royal British Hanoverian Minister Residentis, by authority or commission.

SEAL. G. W. KERR.

POWER OF ATTORNEY.

I, the undersigned, John Frederick Stein, from Grasser Burgwedel, hereby authorize and give full power for myself and my heirs to John Rest, of Louisiana, to lay claim in my place to and take possession of the assets (Nachlass, whatever is left or belonged to a person deceased) of my brother Nicholas Stein, who died in the State of Louisiana, to transact all judicial and extrajudicial affairs relating to that property in my name, to collect all outstanding claims, to sell publicly or privately to the highest bidder, all existing ground and landed property or moveable effects according to his own best judgment, to institute legal proceedings, to appoint attorneys to take all other legal means and prosecute them as which may be required by the laws of the place, to tender oaths and retender, and to administer in my place, to accept payments, and give valid receipts and cequittances therefor, to take mortgages and security to alienate bonds, to cede, to lay arrests, attachments, to make agreements, contracts, and in general, to do all and every thing that would be my right and duty by the laws of the State and place to perform.

All that my said Attorney or by him appointed attorneys may do, I promise to recognize, admit and approve as done by myself.

I shall also make good, repay to my Attorney all costs and outlays. Done at Burgwedel on the 15th September, 1834.

JOHN FREDERICK STEIN.

This is to certify that the inhabitant, Frederick Stein, of Grossen Burgwedel, after the preceding general power of attorney

had been read to him, recognized and acknowledged the same in all particulars or points, and thereto, as may be seen, affixed his name with his own hand. Certified at his own request.

BURGWEDEL, *Sept.* 15*th*, 1834.

Royal British Hanoverian Amts Vogtey.

v. L. BURSCHE.

The signature of the Royal Amts Vogtey Burgwedel to the above is heieby attested.

LUNEBURG, 18 *Sept.* 1834.

Royal British Hanoverian Landdrostey.

SEAL. KUEMEN.

The above Royal British Hanoverian Landdrostey signature at Lûneburg, is hereby attested.

HAMBURG, 19 *Sept.* 1834.

Royal British Hanoverian Minister Residentis by authority.

SEAL. G. W. KERN.

Actum at the Amt (administration of the public domain jurisdiction of) Burgwedel on the 15th Sept., 1834.

The inhabitant John Frederic Stein, a resident of the Amt-village Burgwedel, having made known that he had to prove that he is a full brother of Nicolaus Stein, who died in the State of Louisiana, and having requested that the inhabitants Johan Heinrich Wichman and Hans Heinrich Gehrke of Grossin Burgwedel, who presented themselves at the same time, might be heard on oath in regard to the origin and the earlier circumstances of said Nicolaus Stein, the object of their presence was explained to them, and being admonished as regards the nature of an oath they made the following oath actu corporale:

I, Johan Heinrich Wichman, (and I) Hans Heinrich Gehrke, solemnly promise and swear on oath to God and on his holy word that I will state to the best of my will and concience, the truth and all that is known to me concerning it, and all I may yet remember and that I will not fail herein either from [through] friendship, animosity, fear, envy, hatred, favor, presents and donations, or any thing else, so help me God and his holy evangely (evangelium.)

Said persons (comparentes) were then one after the other and only one at a time, the other being absent, examined and heard as follows:

I. His name? his age? where born? his residence? and whether he was related or a relation of Johan Fr. Stein?

Answer. His name is Johan Heinrich Wichman.

His age 43 years, born here at Gross Burgwedel and resident here. He follows the trade of a cooper and is brother in law of Johan Freidrich Stein.

Answer. His name Hans Heinrich Gehrke, his age 56 years born and resident here. A shoemaker by trade and is brother in law of Johan Fred. Stein.

II. Question. Whether he ever knew beside the cottager Johan Fred. Stein who resides here, and besides the sons of said J. F. Stein, any one [else or with] by that name?

JOHAN HEINRICH WICHMAN.

Answer. Yes there was many years ago one here by the name of Stein, and he staid at Johan Fred. Stein's.

HANS HEINRICH GEHRKE.

Yes, this was the case. There was namely many years ago one here whose name was likewise Stein. This was in the year 1806.

III. Question. What was his christian name?

JOHAN HEINRICH WEICHMAN.

Answer. That was not known to him.

HANS HEINRICH GEHRKE.

That he did not learn at that time. He had only heard a long time after it, that this Stein's name was Nicolaus Stein.

IV. Question. Whether he knew where he was born?

JOHAN HEINRICH WEICHMAN.

This Stein did not say any thing relating to that in his presence, yet as he said he was a brother of the before named Johan Heinrich Stein, so he must needs be born at Bardowick as that is the birth-place of the latter.

HANS HEINRICH GEHRKE.

He had at that time already learnt that this Stein was born at Bardowick.

V. Question. Whether he knew the said Stein well, and on what occasion he made his acquaintance?

JOHAN HEINRICK WEICHMAN.

Answer. The said Sohan Frederick Stein had lived, [resided] at his father's. He was then sixteen or seventeen years of age, and had seen the Stein in question, after going out and in; he had also spoken or conversed with him at times.

HANS HEINRICH GEHRKE.

He had, at different times, made shoemaker work for him, and thi Stein, on that occasion, came to him, or he went to him, (Stein.)

VI. Question. How old was this Stein?

JOHAN HEINRICH WEICHMAN.

That he did not know; it might be possible that he was a few years older than Joh. Freed. Stein.

HANS HEINRICH GEHRKE.

He may have been 33 or 34 years of age.

VII. The deponent was asked to give a description of this Stein, as regarded his bodily form.

JOHAN HEINRICH WEICHMAN.

He was of the same height as Johan Freedrech Stein; he had a full face, and a long nose; how he looked in other respects, he could not remember at this time.

HANS HEINRICH GEHRKE.

He was of the height of Johan Fred. Stein; he had a coarse face, and a large nose. He could not give a more particular description of this Stein.

VIII. Whether he knew the object of his stay at Johan Frederic Stein's.

JOHAN HEINRICH WEICHMANN.

He had heard that he had not been able to support himself in his former place of residence, at Bardowick, and hence that he was in search of work. That he had learnt a trade; handicraft he did not hear.

HANS HEINRICH GEHRKE.

He came from Bardowick hither, because he could not support himself at that place.

IX. How long the said Stein remained here?

JOHAN HEINRICH WEICHMAN.

That he did not remember.

HANS HEINRICH GEHRKE.

He may have been 8 days here.

X. Whether he went from here?

JOHAN HEINRICH WEICHMAN.

This Stein had hired himself to a farmer, viz. Schriever, at Elee, in the Amt of Bissendorf. The deponent, immediately after remarked, that this Schriever might at that time yet have lived at Gailhof.

HANS HEINRICH GEHRKE.

To Gailhof, on the Amt of Bissendorf, where he hired himself to a distiller of spirits.

XI. Whether he knew what became of him afterwards, and how long he remained at the farmer's, Schriever.

JOHAN HEINRICH WEICHMAN.

How long this Stein remained at Elze or Gailhof, was not known to him. But Johan Freedrich Stein. a half a year or a quarter year afterwards said, in his presence, that his brother had secretly absented himself. Whither he went was unknown to him; and he had first heard 8 days ago. that the people in the village said that this Stein, at that time, had gone to America, and that he had died there.

HANS HEINRICH GEHRKE.

Whether he went from Gailhof he knew not; about a half a year afterwards when this Stein had left here, he had been told that he had left that place, which was unpleasant to him, as he owed him for the making of a pair of new boots.

The deponent was called on to reflect [call back to his memory] in what year the said Stein sojourned here, or at what time Johan Freidrich Stein had said out of his own mouth in his presence, that his brother had secretly gone off?

JOHAN HEINRICH WEICHMAN.

In regard to that he could give no positive information. As he was there when the said Stein was here, from 16 to 17 years old, and now 43 years, so it must have been 27 or 28 years when that happened. It might however be possible that he was a few years younger.

HANS HEINRICH GEHRKE.

He knew with certainty that this was in the year 1806. After the preceding depositions were read to the deponents, they gave their assent to them and approbation.

Done so as above in fidem.

SEAL. R. V. D. BUSSEHE.

Seen for attestation of the preceding signature of the Royal Amtsvogtey Burgwedel.

LUNEBURG, 18 *Sept.*, 1834.

Royal British Hannoverian Landdrostey.

SEAL. RUEMERN.

Nolte's Deposition.

Sir,—In reply to yours of the 12th August, 1836, containing your interrogatories, I have to state

Ad. I. According to the laws of the Kingdom Hanover, it is the duty of the Clergyman of every congregation to keep the Church book, and to insert into it beside cases of death and marriages, the birth and baptism of every child, with a notice of the day of birth and that of baptism. Where several Clergymen are appointed to a Congregation, this duty devolves in general on the first pastor (pastori primario.)

Ad. II. In consequence hereof, I, the undersigned, as Pastor Primarius at Bardowick, am commissioned to keep the Church-book here, and also to furnish certificates of births and baptism.

Ad. III. The said Church book was formerly not always kept with the correctness and care it required.

Ad. IV. The notice of the birth and baptism of one Johan Freidrich Stein is contained in our Church book, he is born on the 23d September, 1773, at Bardowick. His father's name is Jûrgen Heinrich Stein, and his mother's Anna Margaretta, her maiden name Michaelsen. If required an attested certificate of birth and baptism in the usual form can be executed to that effect.

Ad. V. The declaration or account of the birth or baptism of one Nicolaus Stein, who should have had with the beforenamed Johan Heinrich Stein one and the same father, or one and the same mother, and hence should have been his brother, is not contained in the Church book at Bardowick.

Ad. VI. The Church book of the year 1772, as also of the next preceding and succeeding years, which was kept in the manner stated in Ad. III. is in my possession.

Ad. VII. To the congregation of Bardowick, which contains about 3000 souls, belong besides the churchtown Bardowick, the villages Withorp, Vogelsen, Mârhtersen, Radbruck and Moestorf. The circumference is several German miles.

Should you deem it advisable or necessary after my most careful and exact replies, to proceed hither yourself, any day for that purpose would be convenient to me. Yet I would suggest to apprize me thereof before in order that you may be the more certain of finding me at home.

In conclusion I will remark, that it is not possible that the family of Stein could have removed from our congregation to another, that